



TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL MEETING
TUESDAY, FEBRUARY 17, 2015 @ 7:00 P.M.

ADDENDUM #2:

6.a. Ordinance No. 2013-09

(REPLACES IN ITS ENTIRETY PAGES 24 – 44 OF AGENDA PACKET 1 – 176)

Quasi-Judicial Public Hearing Second and Final reading: (*Loxahatchee Groves Commons – Continued from 01/20/2015 Town Council Meeting.*)

6.b. Ordinance No. 2013-10

(REPLACES IN ITS ENTIRETY PAGES 45 - 63 OF AGENDA PACKET 1 – 176)

Quasi-Judicial Public Hearing Second and Final reading: (*Loxahatchee Groves Town Center – Continued from 01/20/2015 Town Council Meeting.*)

7.a. Resolution No. 2015-15

(REPLACES IN ITS ENTIRETY PAGES 64 - 82 OF AGENDA PACKET 1 – 176)

Quasi-Judicial Public Hearing: (*Loxahatchee Groves Commons Site Plan – Continued from 01/20/2015 Town Council Meeting.*)

Mayor David Browning (Seat 4)

Vice Mayor Ron Jarriel (Seat 1)

Councilman Tom Goltzené (Seat 5)

Councilman Ryan Liang (Seat 3)

Councilman Jim Rockett (Seat 2)



Item 6.a. & b.

ORDINANCES

Ordinance No. 2013-09 Loxahatchee Groves Commons

Ordinance No. 2013-10 Loxahatchee Groves Town Center

**Town of Loxahatchee Groves, FLORIDA
Town Council AGENDA ITEM REPORT**

AGENDA ITEM NO. 6.a.

MEETING DATE: February 17, 2015

PREPARED BY: Jim Fleishmann, Planner

**SUBJECT: Ordinance 2013-09; Loxahatchee Groves Commons Rezoning (REZ-2013-01)
AR to CL/MUPD**

1. BACKGROUND/HISTORY

Problem Statement: The applicant has requested the assignment of the Commercial Low Planned Unit Development (CL/PUD) zoning designation to implement the previously assigned CL FLU designation.

Problem Solution: Consider adoption of Ordinance 2013-09

2. CURRENT ACTIVITY

The RETGAC Advisory Committee at its April 24, 2013 and recommend approval subject to several actions.

The PZB at its meetings on June, 13, 2013 and August 14, 2014 recommended approval of application REZ 2013-01 subject to conditions

The Town Council, at its meeting of November 5, 2013 voted to approve REZ 2013 – 01 on first reading (i.e. Ordinance 2013-09) subject to the Initial Conceptual Master Plan and Conditions of Approval.

At its February 3, 2015 meeting, the Council tabled this item to the February 17, 2015 meeting.

3. ATTACHMENTS

1. Staff Report REZ Application 2013-01
2. Ordinance 2013-09

4. FINANCIAL IMPACT

REZ Application 2013-01 is funded by the Applicant through the Town's Cost Recovery System.

5. RECOMMENDED ACTION

Approval of Ordinance 2013-09 on Second Reading.

TO: TOWN COUNCIL

FROM: JIM FLEISCHMANN TOWN PLANNING CONSULTANT

RE: SIMON TRUST PROPERTY REZONING APPLICATION REZ 2013-01:
AGRICULTURAL RESIDENTIAL (AR) TO COMMERCIAL LOW PLANNED
UNIT DEVELOPMENT (CL/PUD).

DATE: January 10, 2015

I. GENERAL INFORMATION

A. Applicant: Atlantic Land Investments, LLC, contract purchaser. The applicant is being represented by Bob Bentz and Joseph D. Lelonek, Managing Members, Atlantic Land Investments, LLC.

B. Owner: Ernest G. Simon, as Trustee of Trusts "A" and "B" u/w/o Alexander Abraham Simon.

C. Location: The property is located at the northwest corner of Southern Boulevard and "B" Road, Loxahatchee Groves, Florida.

D. Legal Description: Simon Trust Boundary Plat, Lot 2.

E. Parcel Size: 21.73 acres.

F. Existing Future Land Use (FLU) Designation: Commercial Low (CL).

G. Existing Zoning: Agricultural Residential (AR).

H. Existing Use: Vacant land.

II. APPLICATION HISTORY

The current future land Use category assigned to the subject property is Commercial Low (CL), which was assigned by Future Land Use (FLU) Amendment 2012 – 01 (Ordinance 2012-04). The applicant has requested the assignment of the Commercial Low Planned Unit Development (CL/PUD) zoning designation to implement the previously assigned CL FLU designation.

The following is a summary of the review and approval history of the CL/PUD rezoning application:

A. April 11, 2013 Planning and Zoning Board (PZB) Meeting

The Planning and Zoning Board, at its meeting of April 11, 2013 and following a public hearing on the matter, voted to continue application REZ 2013-01 to a future meeting, by a 5-0 vote, to allow staff and the applicant additional time to address several issues.

B. April 24, 2013 Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee Meeting

The RETAG Advisory Committee reviewed application REZ 2013-01 at its April 24, 2013 meeting. The RETAG passed a motion by a 3 – 0 vote to compliment the applicant for including an equestrian trail element within the Conceptual Master Plan, and recommend the following actions:

1. Include an equestrian traffic control device(s) (e.g. flashing light, monuments, or bridge, etc.) on “B” Road at the point where trails in Loxahatchee Groves Commons and Groves Town Center meet.
2. Expand the equestrian trail to include a connector along “B” Road to facilitate cross-access with the Palm Beach County State College property.
3. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), investigate and report on the feasibility of incorporating a traffic circle on “B” Road, north of the Palm Beach State College entrance.
4. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), incorporate “local traffic only” signage on “B” Road north of the Palm Beach State College entrance.
5. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), limit the northward extent of paving on “B” Road to the Palm Beach State College entrance or a traffic circle, if included.
6. Add signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Folsom Road.

7. Incorporate fencing to separate the equestrian trails from commercial buildings and parking areas. Also, incorporate shade trees along the trail routes.
8. Comply with the RETAG design and sign guidelines.
9. Retain native plants to the extent possible.
10. Staff shall consult with the Palm Beach County Traffic Division to confirm that a second east-bound left turn lane at the “B” Road/Southern Boulevard intersection is not necessary.

C. June 13, 2013 PZB Meeting

Regarding the issues raised by the PZB at its April 11, 2013 meeting, staff confirmed that Palm Beach County has concluded that two east bound left turn lanes at the “B” Road/Southern Boulevard intersection are not required at this time. Further, the applicant provided a revised Conceptual Master Plan which: (1) shifted the fast-food parcel to the east to allow for easier ingress and egress and minimizes conflicts with cars entering the site; (2) relocated the community park to the north of the “B” Road entrance; (3) identified areas for code-required parking spaces centrally located within the shopping center; and (4) relocated the entrance on Southern Boulevard further to the east.

Based upon the revisions to the Conceptual Master Plan and comments from the RETAG Advisory Committee (see above), the PZB at its meeting on June, 13, 2013 recommended approval of application REZ 2013-01 by a 3-0 vote subject to the following conditions:

1. In areas where parking spaces are 11.5’ x 22’, drive aisles shall be 28’ wide.
2. Bars are to be prohibited.
3. The applicant shall consider relocating Buildings “F” and “G” for better traffic flow.
4. A package liquor store shall be granted a separation distance waiver.
5. All conditions of approval as presented in the staff recommendation.

D. November 5, 2013 Town Council Meeting

The Town Council, at its meeting of November 5, 2013 voted to approve REZ 2013 – 01 on first reading (i.e. Ordinance 2013-09) by a 4-0 vote, subject to the Initial Conceptual Master Plan (Ref: Attachment A) and Conditions of Approval.

E. August 14, 2014 PZB Meeting

The Applicant presented the First Revision of the Conceptual Master Plan (Ref: Attachment B) component of the CL/PUD that was approved by the Town Council on First Reading in order to accommodate a tractor supply business and outdoor display and storage areas.

Outdoor display and storage uses in the CL zoning district are regulated by Sections 25-010 (C) "Outdoor Storage" and 25-010 (D) "Outdoor Display" of the Town's Unified Land Development Code (ULDC). Copies of these ULDC Sections are provided in Attachment D.

To accommodate the outdoor display needs of the tenants, the Applicant has requested a waiver to Section 25-010 (D) (1) of the ULDC which requires that merchandise in outdoor display areas be mobile and stored indoors overnight. Approval of the requested waiver would permit merchandise in outdoor display areas to remain in specified locations 24 hours per day. As this waiver was not included in the initial application, Staff requested that the PZB consider a recommendation to the Town Council on the subject.

In addition, due to the repositioning of buildings in the First Revision of the Conceptual Master Plan, the Applicant has withdrawn the previous request for a waiver from Section 55-010: "*Separation requirements*" of the ULDC for alcoholic beverage establishments.

Regarding the request for a waiver, the PZB, at its meeting of August 14, 2014 passed the following motion by a 3-1 vote:

That the Town Council grant a waiver to Section 25-010 (D) (1) of the ULDC to allow outdoor display of merchandise for sale on a 24hours per day basis only in the following locations: (1) The screened outdoor storage and display area adjacent to the Agricultural Indoor Sales Building (Building C); and (2) the unscreened outdoor display area located to the west of the screened outdoor storage and display area located across the drive aisle.

The PZB motion to recommend approval did not include a waiver to allow 24 hours per day outdoor display on the sidewalk areas in front of buildings A or B.

In addition to the motion to recommend approval, the PZB requested that Staff prepare a summary of the revisions to the Initial Conceptual Master Plan made by the Applicant since First Reading of Ordinance 2013-09 by the Town Council. A summary of the Applicant's revisions to the initial Conceptual Master Plan and PZB suggestions for additional considerations by the Applicant are presented in Sections III and IV below.

III. FIRST REVISION OF THE CONCEPTUAL MASTER PLAN

The Initial Conceptual Master Plan (Ref: Attachment A) approved by the Town Council on First Reading of Ordinance 2013-09 consisted of a 94,665 sq. ft. retail shopping center (Loxahatchee Groves Commons). The following mix of uses was proposed: Retail – 72,255 sq. ft.; Pharmacy with Drive-Thru - 14,600 sq. ft; Drive-in Bank – 3,800 sq. ft.; and Fast-food Restaurant with Drive-thru - 4,000 sq. ft (Ref: Attachment A). The 94,665 sq. ft. shopping center met the 0.1 floor-area-ratio (F.A.R.) limitation of the CL zoning district.

The First Revision (Ref: Attachment B) of the Conceptual Master Plan, as presented to the PZB maintained the 94,665 retail shopping center, but consisted of the following modified mix of uses: Retail – 69,058 sq. ft.; Agricultural sales (tractor supply) - 19,097 sq. ft; Drive-in Bank – 2,500 sq. ft.; and Fast-food Restaurant with Drive-thru - 4,000 sq. ft. In addition screened outdoor storage and display (16,000 sq. ft.), unscreened display (3,400 sq. ft.) and sidewalk display areas were proposed. Per Section 10-15 of the ULDC, outdoor storage and display areas are not included in F.A.R..

The principal differences between the Initial Conceptual Master Plan (Attachment A) and the First Revision Conceptual Master Plan (Attachment B) are summarized as follows:

1. Major building locations: The Initial Plan had the grocer located on the west side of the property and the local retail buildings located along the north side of the property. A pharmacy was located in the southeast corner of the property. The First Revision Plan eliminated the pharmacy, included an agricultural indoor sales building and related outdoor storage and display areas, and located the grocer and retail buildings along the north side of the property.

2. Outparcels: The initial plan had 4 outparcel uses, including the pharmacy. The First Revision Conceptual Master Plan had 3 outparcel uses.

3. Community Park: The Initial Plan had a 0.5 acre community park located on the north side of the “B Road” entrance adjacent to the Lake Tract Area. The First Revision Plan reduced the size of the Community Park and relocated it south of the “B Road” entrance.

4. Lake Tract: The Initial Plan had a 6.45 acre Lake Tract Area along the northern property line. The Revised Plan had a 6.66 acre Lake Tract Area, including 4.05 acres of lake surface area and 2.61 acres of lake uplands area.

IV. FINAL CONCEPTUAL MASTER PLAN

The Applicant revised the First Revision Conceptual Master Plan component of the CL/PUD application to accommodate a tractor supply business, including outdoor display and storage areas and comments by the Planning and Zoning Board. The Final Conceptual Master Plan, dated December 12, 2014, is included in Attachment C.

The principal differences between the First Revision Conceptual Master Plan (Attachment B) and the Final Conceptual Master Plan (Attachment C) are summarized as follows:

1. Community Park: Increased the size of the Community Park (0.33 acres) to 0.72 acres, designated it as "Preserve/Community Park" and relocated it north of the northern "B Road" driveway.
2. The northern "B" Road driveway was redesigned and designated as right-turn only to southbound "B" Road.
3. One of the dry retention areas, previously located north of the northern "B" Road driveway was relocated to its south at the previous location of the Community Park.
4. Retail Buildings B (16,027 sq. ft.) was reduced in size to 14,527 sq. ft.
5. Outparcel Building F (2,500 sq. ft.) was increased in size to 4,000 sq. ft.

The Application includes a request for two waivers:

(1) to Section 25-010 (D) (1) of the ULDC which requires merchandise in outdoor display areas must be mobile and stored indoors overnight in order to allow outdoor display of merchandise for sale on a 24 hours per day basis in selected areas adjacent to Buildings A, B and C; and

(2) to Section 95-025: "*Size of parking spaces*" to require a minimum of 89 parking spaces at the standard parking space size of eleven feet by twenty-two and one-half feet (11' x 22.5') with twenty-eight foot (28') wide drive aisles. The balance of the parking spaces shall be provided at a minimum ten feet by twenty feet (10' x 20') with drive aisles twenty-six feet (26') in width.

Outdoor display and storage uses in the CL zoning district are regulated by Sections 25-010 (C) "Outdoor Storage" and 25-010 (D) "Outdoor Display" of the Town's Unified Land Development Code (ULDC).

The Applicant has withdrawn the previous request for a waiver from Section 55-010: "*Separation requirements*" of the ULDC for alcoholic beverage establishments. Section 55-

010 requires a 750 foot separation between alcoholic beverage establishments and other such establishments, education center, place of worship, or child care center. The waiver is no longer necessary due to the reconfiguration of buildings on the Final Conceptual Master Plan (Ref: Attachment C).

A. Revised Statement of Use: (NOTE: The following is a summary of the Applicant's Revised Statement of Use, dated July 22, 2014, which is included in Attachment J2 of the PUD Application). The subject property has been designed to locate a +/-6.50-acre lake tract, including 4.03 acres of lake surface area, along the northern boundary, adjacent to the future Palm Beach State College western campus and to cluster the uses along the high traffic area of Southern Boulevard. The applicant has previously made changes to the Conceptual Master Plan pursuant to comments received at the PZB and RETAG Advisory Committee meetings. These changes addressed the two principal concerns of parking space sizes and circulation. Further changes have evolved with the current layout which enhance circulation, cross connection with the Palm Beach State College, and access between users on the site.

One change was to relocate the community park to be adjacent to the lake and project entrance. The location has been modified to improve the circulation for the center, while keeping the park area in a prominent location. In addition, the Applicant is also proposing an equestrian trail around the lake providing an additional amenity for the community.

The Applicant has also been working with anchor tenants to provide safer access from B Road and better vehicular circulation throughout the property. Along with these changes, one of the most important changes was to create better visibility to ensure the project is viable. This was accomplished by pulling the entire development and all buildings closer to Southern Blvd. The proposed revisions are being made to create an improved Conceptual Master Plan for the community and the customers who will be frequenting proposed businesses.

All exotic vegetation will be removed from the subject property. In addition, the subject property has been designed with a 10' landscape buffer along the western boundary of the property and a 15' landscape buffer along the southern boundary of the property.

B. Justification of Additional Waiver: (NOTE: The following is a summary of the Applicant's Revised Waivers Requested Statement, dated July 22, 2014, which is included in Attachment J5 of the PUD Application). The applicant is requesting a waiver from Section 25-010 (D) (1) of the Outdoor Display area requirements, specifically as it relates to Building C, which will house a tractor supply business. In addition waivers are requested for the sidewalk areas in front of Buildings A, B and C.

All of the requirements listed in 25-010 (C) (1 through 3) are met. The proposed Conceptual Master Plan complies with all requirements for Outdoor Storage found in

Section 25-010 (C) by providing an outdoor storage area that is fenced, screened and not located in required setbacks, easements or rights-of-way.

All of the outdoor display requirements listed in 25-010 (D) (2 and 3) are met since the areas are accessory to the principal businesses and not located in required setbacks, easements or rights-of-way. The applicant believes the standard operations of all tenants will comply with these standards by providing separate areas for display that do not impede overall vehicular and pedestrian circulation.

There is a large display area located to the west of the fenced storage area for use by the proposed tractor supply tenant (Building C). The area will be used to display large equipment while not impeding parking spaces or vehicular circulation. This area and the fenced area adjacent to Building C (Agricultural Sales Building) are the subject of two of the waiver requests to allow merchandise to be displayed 24 hours per day. It is not practical for this tenant's operations, due to the size and nature of the equipment and merchandise that will be displayed outdoors, to be brought inside each night.

Wide sidewalks are proposed in front of Buildings A, B and C to allow any displayed merchandise to be free and clear of pedestrian walkways at all times. Items such as lawn and garden equipment, fencing materials, pet and livestock equipment, 3-point equipment, and miscellaneous/seasonal items are some of the items that the proposed tenant for Building C lists as items that may be stored in the sidewalk display areas in front of the store. More temporary display of outdoor items would apply to Buildings A and B, which at times may have seasonal items such as pumpkins or Christmas trees or seasonal sales items located outside of their front door or may have propane tanks permanently displayed.

The waiver request is specifically for the Outdoor Display area requirements found in Sub-section 25-010 (D) (1).

In all instances, outdoor display areas will be maintained and organized to be esthetically pleasing and it is critical that these areas be allowed to be permanently displayed in the areas shown on the site plan in order for the operation of each business to be run effectively. Thus the applicant respectfully requests a waiver from 25-010(D) (1).

The Applicant has withdrawn the request for a waiver from Article 55 of the ULDC related separation requirements for alcoholic beverage establishments.

V. STAFF RECOMMENDATION

The applicant is requesting approval of Application REZ 2013-01 to rezone the subject property from Agricultural Residential (AR) to Commercial Low Planned Unit Development (CL/PUD) subject to the Final Conceptual Master Plan, dated December 12 2014 (Ref: Attachment C), and Conditions of Approval listed in Attachment D which includes the following ULDC waivers:

1. Section 25-010 (D) (1) "*Mobility and Storage*" of the ULDC to allow outdoor display of merchandise for sale 24 hours per day in the following locations: (a) The screened outdoor storage and display area adjacent to the Agricultural Indoor Sales Building (Building C); and (b) the unscreened outdoor display area to the west of the screened outdoor storage and display area adjacent to Building C, located across the drive aisle.
2. Section 95-025: "*Size of parking spaces*" of the ULDC is granted, as follows: A minimum of eighty-nine (89) spaces shall be provided at the standard parking space size of eleven feet by twenty-two and one-half feet (11.5' x 22') with twenty-eight foot (28') wide drive aisles. The balance of the spaces shall be provided at a minimum ten feet by twenty feet (10' x 20') with drive aisles twenty-six feet (26') in width.

Staff recommends approval of REZ 2013-01 subject to the Conditions of Approval included in Attachment D and the Final Conceptual Master Plan, dated December 12, 2014, included in Attachment C.

ATTACHMENT D
LOXAHATCHEE GROVES COMMONS
Final Conditions of Approval per ~~First Reading~~ of Ordinance 2013-09

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Final site plans shall conform to the Site Plan (Final Conceptual Master Plan) dated ~~October 16, 2013~~ December 12, 2014 and the Statement of Use dated ~~October 17, 2013~~ July 22, 2014 and included as Attachment J2 of the CL/PUD Rezoning Application REZ 2013-01, or amendments thereto approved by the Town Council. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

3. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code.

4. Cross access shall be provided to the Palm Beach State College property, as indicated on the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014, or amendments thereto approved by the Town Council.

5. Prior to submitting an initial final site plan approval application and all subsequent final site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the final site plan application(s).

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 94,655 sq. ft. of commercial low uses consistent with the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014.

2. Bars and night clubs are prohibited.

3. The initial site plan submitted for the development shall include the ~~6.45~~ 5.40 acre Lake Tract Area and ~~0.50~~ 0.72 acre Preserve/Community Park, including an equestrian trail as shown on the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014.

4. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

5. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

C. ENGINEERING

3. Consistent with Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no Building Permits, for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

4. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

3. No Building Permits shall be issued until construction commences for a south approach left turn lane on B Road at the project's first access connection north of the terminus for the traffic separator. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

4. No Building Permits shall be issued until construction commences for east approach right turn lanes on Southern Boulevard at each of the project access connections. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

5. B Road shall be constructed as a 2-lane paved roadway, including a traffic separator, from Southern Boulevard north to the B Road entrance to Palm Beach State College, according to the terms of the ~~three-party agreement B Road Improvement Agreement dated November x, 2013~~ January x, 2015 ("B Road Agreement") between the property owner, Palm Beach State College and the owner of the Groves Town Center property. Prior to becoming effective, the "B Road Agreement" shall be approved by the Loxahatchee Groves Town Council.

6. Funds in lieu of construction of B Road as a 2-lane OGEM roadway surface between the northern terminus of the 2-lane paved roadway, including Collecting Canal bridge/culvert improvements, to Okeechobee Boulevard, ~~shall~~ may be deposited in an escrow account according to the terms of the ~~three-party agreement dated November x, 2013~~ "B Road Agreement" between the property owner, Palm Beach State College and the owner of the Groves Town Center property. Construction of this section of "B" Road shall be subject to the requirements of the Town of Loxahatchee Groves.

7. Construction of paved road improvements cited in Condition C.5, above, shall be concurrent with the paving and drainage improvements for the site, Palm Beach State College, or Groves Town Center, whichever occurs first. Any and all costs associated with the construction shall be paid according to the terms established in the ~~above referenced agreement~~ "B Road Agreement" with Palm Beach State College and the Owner of the Groves Town Center property. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of

8. Construction pursuant to Condition C.6 shall be according to a schedule established by the Town. Any and all costs apportioned to the Project shall be paid to the Town of Loxahatchee Groves ~~an escrow account established for this purpose according to the terms established in the "B Road Agreement" above referenced agreement with Palm Beach State College and the Owner of the Groves Town Center property.~~ Costs, assuming construction on the existing unpaved roadway section, shall include roadway design, permitting, construction and inspection.

9. Any future request to modify Condition C.1 must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

10. The northernmost project driveway along "B" Road shall be channelized and limited to right turn only traffic exiting the property.

11. Any future realignment of either of or both of the "B" Road access drives shall require approval by the Town's Consulting Engineer.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85.

3. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities, a Phase 1 Archaeological Survey of the property shall be completed.

5. Native plants shall be retained to the extent possible.

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trail depicted on the Final Conceptual Master Plan shall include a connector along "B" Road, inside of the "B" Road right-of-way, to facilitate cross-access with the Palm Beach County State College property.

2. As part of the joint traffic improvements effort detailed in Section C:

- (a) Equestrian traffic control devices shall be installed at points where trails cross "B" Road and/or Collecting Canal. The type and locations of such devices shall be addressed in the ~~three-party agreement~~ "B Road Agreement" per Condition C.6.

- (b) "Local traffic only" signage shall be placed on "B" Road north of the Palm Beach State College entrance.
 - (c) The feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Crestwood Boulevard or Folsom Road shall be addressed in the ~~three-party agreement~~ "B Road Agreement" per Condition C.5. If feasible, the applicant, along with Palm Beach State College and the owner of the Groves Town Center property shall share any associated costs of placing and constructing the signage.
3. Fencing shall be incorporated on the initial site plan to separate the equestrian trails from commercial buildings and parking areas, as necessary. Also, shade trees shall be incorporated along the trail route.
 4. Equestrian trails shall comply with the Town design and sign guidelines.

F. ARCHITECTURAL

Architectural elevations for initial buildings, as well as a theme for the entire Loxahatchee Groves Commons development, shall be submitted with the application for initial site plan approval. Elevations for subsequent buildings shall be reviewed and approved by the Town Manager for consistency with said architectural theme. The Town Manager may refer subsequent building elevations to the Town Council for approval if he determines that an inconsistency with the approved architectural theme is proposed. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases shall be consistent with the architectural elevations included as part of the initial site plan approval.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

1. A waiver to Section 95-025: "*Size of parking spaces*" of the ULDC is granted, as follows: A minimum of ~~ninety-one (91)~~ eighty-nine (89) spaces shall be provided at the standard parking space size of eleven feet by twenty-two and one-half feet (11.5' x 22') with twenty-eight foot (28') wide drive aisles. The balance of the spaces shall be provided at a minimum ten feet by twenty feet (10' x 20') with drive aisles twenty-six feet (26') in width.

~~2. A waiver to Section 55-010: "*Separation requirements*" of the Unified Land Development Code (ULDC) for alcoholic beverage establishments, as defined in Section 10-015 of the ULDC, is granted eliminating the 750 foot separation requirement as it may specifically pertain to the location of a single beer, wine and alcohol package liquor sales store, not to allow on-site consumption, and any future education center buildings located on the adjacent Palm Beach State College property.~~

2. A waiver to Section 25-010 (D) (1) "Mobility and Storage" of the ULDC is granted to allow outdoor display of merchandise for sale on a 24 hours per day basis only in the following locations: (a) The screened outdoor storage and display area adjacent to the Agricultural Indoor Sales Building (Building C); and (b) the unscreened outdoor display area located to the west of the Building C screened outdoor storage and display area located across the drive aisle to the west.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 21.73 ACRES, MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION COMMERCIAL LOW PLANNED UNIT DEVELOPMENT (CL/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town’s Unified Land Development Code (ULDC), including the designation of zoning districts in the Town, consistent with the Town’s Comprehensive Plan; and,

WHEREAS, on November 20, 2012, the Town adopted Ordinance 2012-08 which created a new zoning category, entitled Planned Unit Development (“PUD”), to facilitate development on property that exceeds expectations of standard zoning districts, implements the Town’s Comprehensive Plan, and to allow for creative use of land and quality development; and,

WHEREAS, the Property Owner, Ernest G. Simon, as Trustee of Trusts “A” an “B” u/w/o Alexander Abraham Simon, has submitted petition REZ 2013-01 to rezone certain property located at the northwest corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 21.73 acres, more or less, legally described and as designated on the map in Exhibit “A”, attached hereto (the “Property”), from Loxahatchee Groves zoning designation Agricultural Residential (AR) to the Loxahatchee Groves

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

zoning designation of Commercial Low Planned Unit Development (CL/PUD); and,

WHEREAS, at its meeting of April 24, 2013, the Town’s Recreation Equestrian Trails and Greenways Advisory Committee (RETGAC), considered petition REZ 2013-01 to rezone the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, at its meetings of June 13, 2013 and August 14, 2014, the Town’s Planning and Zoning Board (PZB) considered petition REZ 2013-01 to rezone the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, at its meeting of November 5, 2013, the Town Council approved REZ 2013-01 on First Reading to rezone the Property subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, the notice and hearing requirements for adoption of rezoning ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered petition REZ 2013-01 for rezoning, the recommendation of the RETGAC, the PZB, Town Staff, and the comments from the public; and

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

authorized and empowered to consider petitions relating to the rezoning of property within the Town; and

WHEREAS, the Council, pursuant to Section 160-020 (Review criteria; Town Council action) of the Town of Loxahatchee Groves Unified Land Development Code and Town Ordinance 2012-08 (Planned Unit Development) is authorized and empowered to consider, approve, approve with conditions PUD rezoning petitions;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct, and are hereby made a specific part of this Ordinance.

Section 2. The Town Council has considered the findings in the Staff Report dated January 10, 2015 and the Town RETGAC and LPA recommendations and makes the following findings of fact:

1. The Town Council finds petition REZ 2013-01 to be generally consistent with the intent and direction of the Comprehensive Plan, the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) of the Town of Loxahatchee Groves Unified Land Development Regulations and the objectives and standards of a Planned Unit Development, as depicted in Town of Loxahatchee Groves Ordinance 2012-08.

2. To insure consistency with the Comprehensive Plan and land development regulations, and the results of the various studies and analysis completed in the review of rezoning petition REZ 2013-01, certain conditions of approval are necessary.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

Section 3. The zoning of the property located at the northwest corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 21.73 acres, more or less, legally described, and as designated on the map, in Exhibit “A”, attached hereto, from Town of Loxahatchee Groves zoning designation Agricultural Residential (AR) to the Town of Loxahatchee Groves zoning designation of Commercial Low Planned Unit Development (CL/PUD) is hereby approved subject to the Final Conceptual Master Plan, dated December 12, 2014 and Conditions of Approval in Exhibit “B”, attached hereto.

Section 4. The Town Administration is hereby authorized and directed to make appropriate changes on the zoning map of the Town, to effectuate the purpose of this ordinance.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portion or applications remaining in full force and effect.

Section 6. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 7. This Ordinance shall take effect as provided by law.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5th DAY OF NOVEMBER, 2013.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

**PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN
LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS
____ DAY OF _____, 2015.**

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Ron Jarriel

Council Member Jim Rockett

APPROVED AS TO LEGAL FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Tom Goltzene

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

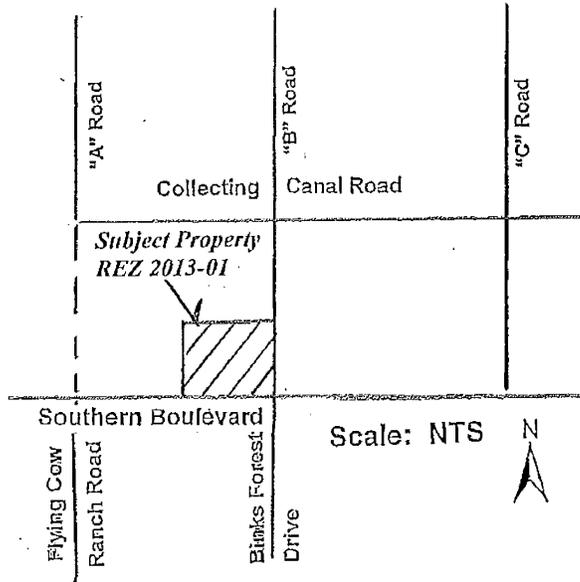
The following Legal Description is applicable to Ordinance 2013-09:

Parcel Control Number: 41-41-43-31-09-000-0020

LOT 2, SIMON TRUST BOUNDARY PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 116, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

LOCATION MAP



TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

EXHIBIT B

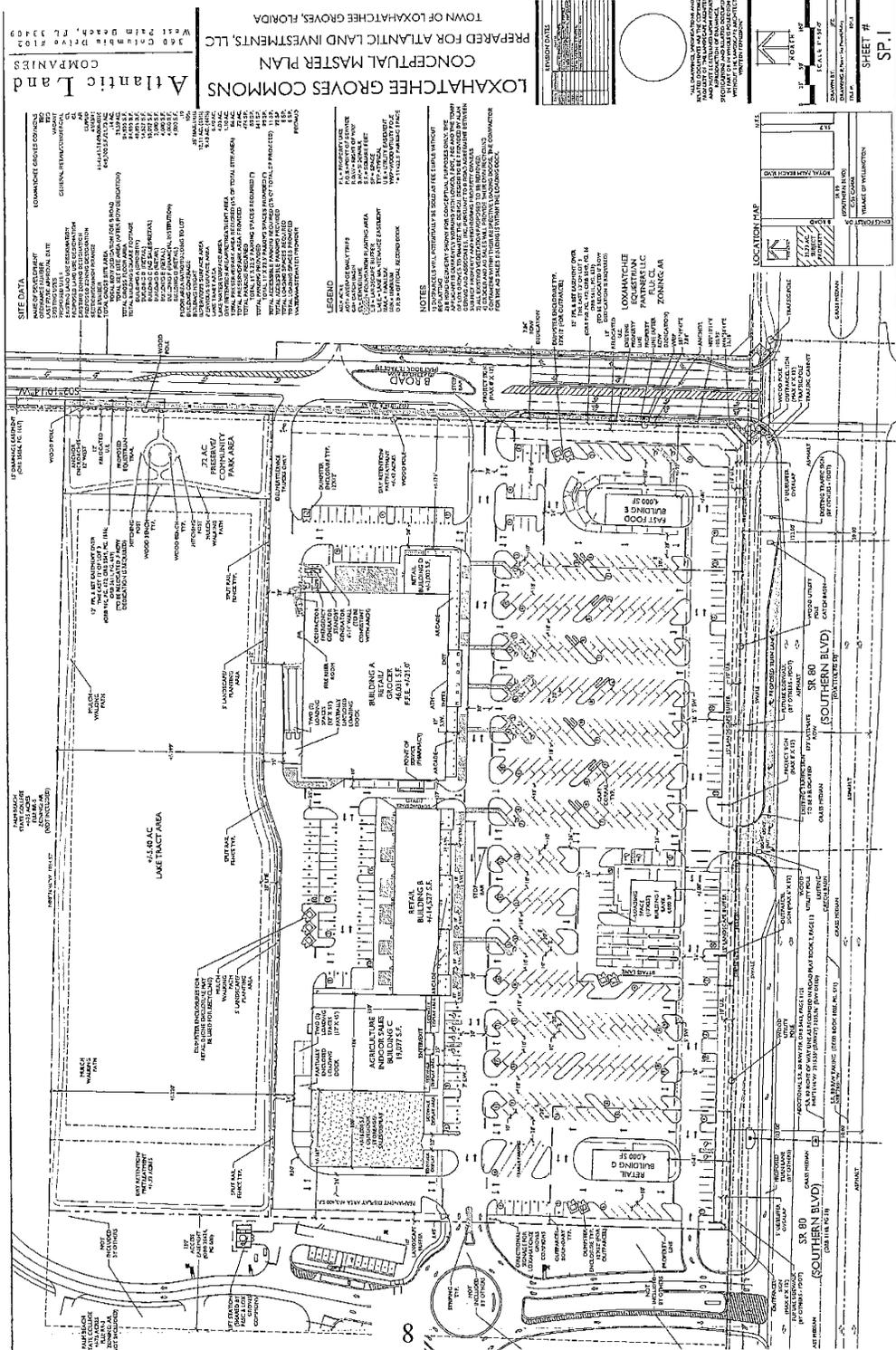
LOXAHATCHEE GROVES COMMONS

FINAL CONCEPTUAL MASTER PLAN AND CONDITIONS OF APPROVAL

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

FINAL CONCEPTUAL MASTER PLAN



LOXAHATCHEE GROVES COMMONS
 CONCEPTUAL MASTER PLAN
 PREPARED FOR ATLANTIC LAND INVESTMENTS, LLC
 TOWN OF LOXAHATCHEE GROVES, FLORIDA

ATLANTIC LAND COMPANIES
 3600 BURNING TREE DRIVE, SUITE 100
 WEST PALM BEACH, FLORIDA 33411

DATE: 11/15/13
 SCALE: 1" = 100'
 SHEET # SP.1
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 APPROVED BY: [Name]

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

Final Conditions of Approval per First Reading of Ordinance 2013-09

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Final site plans shall conform to the Site Plan (Final Conceptual Master Plan) dated ~~October 16, 2013~~ December 12, 2014 and the Statement of Use dated ~~October 17, 2013~~ July 22, 2014 and included as Attachment J2 of the CL/PUD Rezoning Application REZ 2013-01, or amendments thereto approved by the Town Council. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

3. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code.

4. Cross access shall be provided to the Palm Beach State College property, as indicated on the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014, or amendments thereto approved by the Town Council.

5. Prior to submitting an initial final site plan approval application and all subsequent final site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the final site plan application(s).

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 94,655 sq. ft. of commercial low uses consistent with the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014.

2. Bars and night clubs are prohibited.

3. The initial site plan submitted for the development shall include the ~~6.45~~ 5.40 acre Lake Tract Area, and ~~0.50~~ 0.72 acre Preserve/Community Park, including an equestrian trail as shown on the Final Conceptual Master Plan dated ~~October 16, 2013~~ December 12, 2014.

4. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

TOWN OF LOXAHATCHEE GROVES

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5. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

C. ENGINEERING

1. Consistent with Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no Building Permits, for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

3. No Building Permits shall be issued until construction commences for a south approach left turn lane on B Road at the project's first access connection north of the terminus for the traffic separator. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

4. No Building Permits shall be issued until construction commences for east approach right turn lanes on Southern Boulevard at each of the project access connections. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

5. B Road shall be constructed as a 2-lane paved roadway, including a traffic separator, from Southern Boulevard north to the B Road entrance to Palm Beach State College, according to the terms of the ~~three party agreement~~ B Road Improvement Agreement dated ~~November x, 2013~~ January x, 2015 ("B Road Agreement") between the property owner, Palm Beach State College and the owner of the Groves Town Center property. Prior to becoming effective, the "B Road Agreement" shall be approved by the Loxahatchee Groves Town Council.

6. Funds in lieu of construction of B Road as a 2-lane OGEM roadway surface between the northern terminus of the 2-lane paved roadway, including Collecting Canal bridge/culvert improvements, to Okeechobee Boulevard, ~~shall~~ may be deposited in an escrow account according to the terms of the ~~three party agreement dated November x, 2013~~ "B Road Agreement" between the property owner, Palm Beach State College and the owner of the Groves Town Center property. Construction of this section of "B" Road shall be subject to the requirements of the Town of Loxahatchee Groves.

7. Construction of paved road improvements cited in Condition C.5, above, shall be concurrent with the paving and drainage improvements for the site, Palm Beach State College, or Groves Town Center, whichever occurs first. Any and all costs associated with the construction shall be paid according to the terms established in the ~~above referenced agreement~~ "B Road Agreement". ~~with Palm Beach State College and the Owner of the Groves Town Center property.~~ These costs shall include, but are not

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

8. Construction pursuant to Condition C.6 shall be according to a schedule established by the Town. Any and all costs apportioned to the Project shall be paid to the Town of Loxahatchee Groves ~~an escrow account established for this purpose~~ according to the terms established in the "B Road Agreement", above referenced agreement with Palm Beach State College and the Owner of the Groves Town Center property. Costs, assuming construction on the existing unpaved roadway section, shall include roadway design, permitting, construction and inspection.

9. Any future request to modify Condition C.1 must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

10. The northernmost project driveway along "B" Road shall be channelized and limited to right turn only traffic exiting the property.

11. Any future realignment of either or both of the "B" Road access drives shall require approval by the Town's Consulting Engineer.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85.

3. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities, a Phase I Archaeological Survey of the property shall be completed.

5. Native plants shall be retained to the extent possible.

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trail depicted on the Final Conceptual Master Plan shall include a connector along "B" Road, inside of the "B" Road right-of-way, to facilitate cross-access with the Palm Beach County State College property, as stated in the "B Road Agreement".

2. As part of the joint traffic improvements effort detailed in Section C:

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-09

- (a) Equestrian traffic control devices shall be installed at points where trails cross “B” Road and/or Collecting Canal. The type and locations of such devices shall be addressed in the ~~three party agreement~~ “B Road Agreement” per Condition C.6.
 - (b) “Local traffic only” signage, as addressed in the “B Road Agreement”, shall be placed on “B” Road north of the Palm Beach State College entrance.
 - (c) The feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Crestwood Boulevard or Folsom Road shall be addressed in the ~~three party agreement~~ “B Road Agreement” per Condition C.5. If feasible, the applicant, along with Palm Beach State College and the owner of the Groves Town Center property shall share any associated costs of placing and constructing the signage.
3. Fencing shall be incorporated on the initial site plan to separate the equestrian trails from commercial buildings and parking areas, as necessary. Also, shade trees shall be incorporated along the trail route.
 4. Equestrian trails shall comply with the Town design and sign guidelines.

F. ARCHITECTURAL

Architectural elevations for initial buildings, as well as a theme for the entire Loxahatchee Groves Commons development, shall be submitted with the application for initial site plan approval. Elevations for subsequent buildings shall be reviewed and approved by the Town Manager for consistency with said architectural theme. The Town Manager may refer subsequent building elevations to the Town Council for approval if he determines than an inconsistency with the approved architectural theme is proposed. Elevations shall be designed to be consistent with the Town’s Rural Vista Guidelines. Architecture in all development phases shall be consistent with the architectural elevations included as part of the initial site plan approval.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

1. A waiver to Section 95-025: “*Size of parking spaces*” of the ULDC is granted, as follows: A minimum of ~~ninety-one (91)~~ eighty-six (86) spaces shall be provided at the standard parking space size of eleven feet by twenty-two and one-half feet (11.5’ x 22’) with twenty-eight foot (28’) wide drive aisles. The balance of the spaces shall be provided at a minimum ten feet by twenty feet (10’ x 20’) with drive aisles twenty-six feet (26’) in width.

TOWN OF LOXAHATCHEE GROVES

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~~2. A waiver to Section 55-010: “*Separation requirements*” of the Unified Land Development Code (ULDC) for alcoholic beverage establishments, as defined in Section 10-015 of the ULDC, is granted eliminating the 750 foot separation requirement as it may specifically pertain to the location of a single beer, wine and alcohol package liquor sales store, not to allow on site consumption, and any future education center buildings located on the adjacent Palm Beach State College property.~~

2. A waiver to Section 25-010 (D) (1) “*Mobility and Storage*” of the ULDC is granted to allow outdoor display of merchandise for sale on a 24 hours per day basis only in the following locations: (a) The screened outdoor storage and display area adjacent to the Agricultural Indoor Sales Building (Building C); and (b) the unscreened outdoor display area located to the west of the screened outdoor storage and display area located across the drive aisle.

**Town of Loxahatchee Groves, FLORIDA
Town Council AGENDA ITEM REPORT**

AGENDA ITEM NO. 6.b.

MEETING DATE: February 17, 2015

PREPARED BY: Jim Fleishmann, Planner

SUBJECT: Ordinance 2013-10 – Groves Town Center Rezoning (REZ-2013-01) AR to MLU/PUD

1.BACKGROUND/HISTORY

Problem Statement: The applicant has requested the assignment of the Multiple Land Use Planned Unit Development (MLU/PUD) zoning designation to implement the previously assigned Multiple Land Use FLU designation.

Problem Solution: Consider adoption of Ordinance 2013-10

2.CURRENT ACTIVITY

The RETAG Advisory Committee at its April 24, 2013 and recommend approval subject to several actions several actions.

The PZB at its meeting on April 11, 2013 recommended approval of application REZ 2013-02 subject to conditions

The Town Council, at its meeting of November 5, 2013 voted to approve REZ 2013 – 01 on first reading (i.e. Ordinance 2013-10) subject to the Initial Conceptual Master Plan and Conditions of Approval.

The Town Council, at its February 3, 2015 meeting tabled this item to the February 17, 2015 meeting

3.ATTACHMENTS

1. Staff Report REZ Application 2013-02
2. Ordinance 2013-10

4.FINANCIAL IMPACT

REZ Application 2013-02 is funded by the Applicant through the Town's Cost Recovery System.

5.RECOMMENDED ACTION

Approval of Ordinance 2013-10

TO: TOWN COUNCIL

FROM: JIM FLEISCHMANN TOWN PLANNING CONSULTANT

RE: STAFF REPORT: LOXAHATCHEE EQUESTRIAN PARTNERS LLC/SOLAR SPORTSYSTEMS, INC. REZONING APPLICATION REZ 2013-02: AGRICULTURAL RESIDENTIAL (AR) TO MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD).

DATE: JANUARY 10, 2015

I. GENERAL INFORMATION

A. Applicant: Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC, property owners. The applicant is being represented by F. Martin Perry of the firm Perry and Taylor, P.A.

B. Owner: Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC.

C. Location: The property is located at the northeast corner of Southern Boulevard and "B" Road, south of Collecting Canal, Loxahatchee Groves, Florida (Ref: Map 1).

D. Legal Description: The property is legally described as including the following parcels of land: (1) The south 1000 feet of Tract 4, Block I of the Loxahatchee Groves Plat; (2) a portion of Lot 5, Block I of the Loxahatchee Groves Plat; and (3) a portion of Lot 6, Block I, of the Loxahatchee Groves Plat. The full legal description is included as Attachment A of the associated General Application.

E. Parcel Size: 90.32 acres.

F. Existing Future Land Use (FLU) Designation: The Multiple Land Use (MLU) future land use designation was assigned to the property by Future Land Use Amendment 11-1.3 (Ordinance 2011-017).

G. Existing Zoning: Agricultural Residential.

H. Existing Use: Vacant/pasture land.

II. APPLICATION HISTORY

The Multiple Land Use (MLU) Future Land Use category was assigned to the subject property by Town Ordinance 2011-017. The applicant has requested the assignment of a Multiple Land Use Planned Unit Development (MLU/PUD) zoning designation in order to accommodate the integrated development concept assigned to the property by Comprehensive Plan Amendment 11-1.3 (CPA 11-1.3). CPA 11-1.3 assigned the MLU future land use designation to the property and imposed the following development limitations by incorporating Special Policy 1.15.2 within the text of the Future Land Use Element of the Comprehensive Plan.

1. Development on the property shall be regulated by the application of the following criteria:

- Commercial Low (CL) – Maximum of 34.34 acres/103,000 sq. ft. of retail commercial space.
- Commercial Low Office - Maximum of 16.0 acres/44,000 sq. ft. of professional and medical office commercial space.
- Institutional – Minimum of 40.0 acres/Maximum of 128 congregate living beds.

2. A 300 foot wide buffer shall be incorporated within the master plan along that portion of the MLU adjacent to the Collecting Canal.

A. April 11, 2013 Planning and Zoning Board Meeting

The Planning and Zoning Board, at its meeting of April 11, 2013 and following a public hearing on the matter, voted to recommend approval of application REZ 2013-02 by a 5-0 vote.

B. April 24, 2013 Roadway Equestrian Trails and Greenways (RETAG) Advisory Committee Meeting

The RETAG Committee reviewed application REZ 2013-02 at its April 24, 2013 meeting. The RETAG passed a motion by a 3 – 0 vote to compliment the applicant for including an equestrian trail element within the preliminary site plan, and recommend the following actions:

1. Include an equestrian traffic control device(s) (e.g. flashing light, monuments, bridge, etc.) on “B” Road at the point where trails in Loxahatchee Groves Commons and Groves Town Center meet.
2. Expand the equestrian trail to connect to the east-west easement along Collecting Canal in order to facilitate expansion of the trail to the east of “C” Road.
3. Incorporate a second equestrian trail along the Collecting Canal within the 300 foot buffer and within 100 foot buffer areas
4. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), investigate and report on the feasibility of incorporating a traffic circle on “B” Road, north of the Palm Beach State College entrance.
5. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), incorporate “local traffic only” signage on “B” Road north of the Palm Beach State College entrance.
6. As part of the joint traffic improvements effort (i.e. Loxahatchee Groves Commons, Palm Beach State College and Groves Town Center), limit the northward extent of paving on “B” Road to the Palm Beach State College entrance or a traffic circle, if included.
7. Incorporate fencing on the final site plan to separate equestrian trails from commercial or CLF buildings and parking areas. Incorporate shade trees along the trail routes.
8. Comply with the RETAG design and sign guidelines.
9. Retain native plants to the extent possible.
10. Staff shall consult with the Palm Beach County Traffic Division to confirm that a second east-bound left turn lane at the “B” Road/Southern Boulevard intersection is not necessary.

The RETAG passed a separate motion, by a 3 – 0 vote, requesting the Town Council to consider constructing an equestrian bridge over Collecting Canal at “C” Road.

B. June 13, 2013 Planning and Zoning Board Meeting

As Application REZ 2013-02 was recommended for approval at the April 11, 2013 meeting, it was not discussed at the June 13, 2013 meeting.

C. November 5, 2013 Town Council Meeting

The Town Council, at its meeting of November 5, 2013 and following a public hearing on the matter, voted to approve REZ 2013 – 02 on first reading (i.e. Ordinance 2013-10) by a 4-0 vote.

D. January 10, 2015 Town Council Meeting

The Town Council, at its meeting of January 10, 20145 and following a public hearing on the matter, voted to approve/deny REZ 2013 – 02 on second reading (i.e. Ordinance 2014-10 by a x-y vote.

III. CONCEPTUAL MASTER PLAN

The Applicant has not revised the Conceptual Master Plan (Ref: Attachment B) since the approval by Town Council on First Reading of Ordinance 2013-010

A. Statement of Use

(NOTE: The following is a summary of the Applicant’s Statement of Use which is included in Attachment J2 of the PUD Application). The proposed development concept is consistent with and implements Special Policy 1.15.2 of the Future Land Use Element (Ordinance Number 2011-017), which changed the site’s Future Land Use designation from Rural Residential 5 (RR 5) to Multiple Land Use (MLU) and established specific development intensities for the following uses: Commercial Low, Commercial Low Office and Institutional.

B. Justification of Waiver

The Applicant requests a waiver from Section 95-025 of the ULDC, which requires that parking spaces be sized at minimum of 11 feet by 22.5 feet and that handicap parking spaces be sized at a minimum of 14 feet by 22.5 feet. The applicant proposes that parking spaces be sized at 10 feet by 20 feet and handicap parking spaces at 12 by 20 feet. A waiver is therefore requested from the minimum parking space size requirements set forth in Section 95-025 of the ULDC.

Pursuant to the requirements of Article 41, Section 2.E.2 of the ULDC, the applicant has submitted a justification of the proposed waivers. The justification, in terms of the required evaluation criteria, is summarized in the Staff Report dated October 26, 2013 and included herein by reference..

XI. FINAL STAFF FINDING AND RECOMMENDATION

Town Planning Staff completed a detailed analysis of REZ Application 2013-02 on October 26, 2013 which is incorporated herein by reference. Based upon the analysis and conclusions presented in the October 26, 2013 report and recommendations by the Town's Planning and Zoning Board and RETAG Advisory Committee, Planning staff finds REZ 2013-02 to be generally consistent with the intent and direction of the Comprehensive Plan, the rezoning criteria, as depicted in Section 160-020(A)(1) – (6) of the ULDC, and the objectives and standards of a planned unit development, as depicted in Section 41-3 of the ULDC.

However to insure consistency with the Comprehensive Plan and land development regulations, and the results of the various studies and analysis completed in the review of this application, Staff recommends approval of REZ 2013-02 subject to the Conditions of Approval and Conceptual Master Plan presented in Attachments A and B

The Applicant has requested a waiver from the minimum standard parking space dimensions of 11 feet by 22.5 feet and handicap parking spaces dimensions of 14 feet by 22.5 feet. The applicant proposes that standard parking spaces be sized at 10 feet by 20 feet and handicap parking spaces at 12 by 20 feet. Due to the current lack of detail in the Conceptual Master Plan, including building and bay sizes and locations and expected tenant mix, staff cannot support the proposed waivers at this time. However, staff can support providing the Applicant with an additional opportunity to request the proposed waivers during the site plan review process when greater project detail is available.

**ATTACHMENT A
GROVES TOWN CENTER
CONDITIONS OF APPROVAL**

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Final site plans shall conform to the Conceptual Master Plan dated April 4, 2013 and the Statement of Use included as Attachment J2 of the MLU/PUD Rezoning Application REZ 2013-02, dated August 22, 2012. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

3. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code.

4. Prior to submitting the initial site plan approval application and all subsequent site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the site plan application.

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 103,000 sq. ft. of commercial low uses, 44,000 sq. ft. of commercial low professional office and medical office uses, and a 128-bed assisted living facility, consistent with the Conceptual Master Plan dated April 4, 2013.

2. A separate site plan pursuant to ULDC Article 155 for the 300-foot wide buffer areas along the northern and eastern property boundaries, including the location of equestrian trails, shall be submitted concurrently with, or a component of, the site plan for the first phase of development.

3. A Conservation Easement, Restrictive Covenant or Deed Restriction, as determined by the Town Council, limiting the use of the 300-foot wide buffer areas along the northern and eastern property lines, as indicated on the Conceptual Master Plan dated April 4, 2013, to conservation and equestrian trail uses, shall be approved by the Town and recorded with the Palm Beach County Clerk of Courts prior to receiving the first project building permit. On or before the time of the recording of the plat for Pods E and F as depicted in the Conceptual Master Plan dated April 4, 2013. The Easement, or Deed Restriction, or Restrictive Covenant shall include but is not limited to an approved landscape plan and buffer management plan.

4. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

5. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

C. ENGINEERING

1. In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no building permits for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. Building Permits for more than 14,600 sq. ft. of general office, 21,000 sq. ft. of medical office, and the 128 unit congregate care facility (or development generating an equivalent number of external PM peak hour outbound trips, as approved by the County Engineer) shall not be issued until the Property Owner makes a proportionate share payment to the Palm Beach County Board of County Commissioners to pay for its proportionate share of the required improvement to widen Southern Blvd. from a 4-lane divided highway to a 6-lane divided highway from ¼ mile west of Big Blue Trace to the existing 6-lane section east of Palms West Parkway. The proportionate share payment shall be 7% of the total cost to construct the additional eastbound lane and 5.3% of the total cost to construct the westbound lane. The amount of the proportionate share payment shall be calculated at the time of payment based on the best estimate of the total cost of the required improvement as approved by the County Engineer.

3. Building Permits for more than 21,000 sq. ft. of retail, 23,000 sq. ft. of general office, 21,000 sq. ft. of medical office, and the 128 unit congregate care facility (or development generating an equivalent number of total PM peak hour outbound trips, as approved by the County Engineer) shall not be issued until construction commences for a second west approach left turn lane (and appropriate receiving lanes) and an exclusive north approach left turn lane, through lane and right turn lane at the intersection of Southern Blvd. and B Road. Construction shall include any required signal modifications in conjunction with the roadway improvements, and may also include installation of mast arms. "Construction commences" is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

4. Acceptable surety for the design, right of way acquisition, the construction engineering and inspection costs, as well as the construction for the offsite road improvements as outlined in Condition No. 3 shall be posted with the County Traffic Division prior to or within six months of Development Order Approval. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety.

5. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard.

Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

6. No Building Permits shall be issued until construction commences for a north approach left turn lane on B Road at the project's first access connection north of the terminus of the traffic separator. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

7. B Road shall be constructed as a 2-lane paved roadway, including a traffic separator, from Southern Boulevard north to the B Road entrance to Palm Beach State College, according to the terms of the ~~three-party agreement~~ B Road Improvement Agreement dated November x, 2013 ~~2014~~ ("B Road Agreement") between the property owner, Palm Beach State College and the owner of the Loxahatchee Groves Commons property. Prior to becoming effective, the "B Road Agreement" shall be approved by the Loxahatchee Groves Town Council.

8. Funds in lieu of construction of B Road as a 2-lane OGEM roadway surface between the northern terminus of the 2-lane paved roadway, including Collecting Canal bridge/culvert improvements, to Okeechobee Boulevard, shall may be deposited in an escrow account according to the terms of the ~~three-party agreement dated November x, 2013~~ "B" Road Agreement between the property owner, Palm Beach State College and the owner of the Loxahatchee Groves Commons property. Construction of this section of "B" Road shall be subject to the requirements of the Town of Loxahatchee Groves.

9. Construction of paved roadway improvements cited in Condition C.7, above, shall be concurrent with the paving and drainage improvements for the site, Palm Beach State College, or Loxahatchee Groves Commons, whichever occurs first. Any and all costs associated with the construction shall be paid according to the terms established in the ~~above referenced agreement with Palm Beach State College and the Owner of the Loxahatchee Groves Commons property~~ "B" Road Agreement. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

10. Construction pursuant to Condition C.8 shall be according to a schedule established by the Town. Any and all costs apportioned to the Project shall be paid to ~~an escrow account established for this purpose~~ according to the terms established in the ~~above referenced agreement with Palm Beach State College and the Owner of the Loxahatchee Groves Commons property~~. "B" Road Agreement. Costs, assuming construction on the existing unpaved roadway section, shall include roadway design, permitting, construction and inspection.

11. C Road shall be constructed as a continuous 2-lane paved roadway between Southern Boulevard and Tangerine Drive in conjunction with the development of Pod D or F, whichever occurs first.

12. Any future request to modify Conditions C.1 – C.3 must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

13. Any future realignment of either or both of the "B" Road access drives, as indicated on the Conceptual Master Plan, shall require approval by the Town's Consulting Engineer.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85.

3. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities, a Phase 1 Archaeological Survey of the property shall be completed.

5. Native plants shall be retained to the extent possible.

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trails depicted on the Master Plan are conceptual. Final trail locations shall be determined during the site plan approval process required in Condition B.2, and shall include a trail segment along Collecting Canal to facilitate Town-wide east-west connectivity. Existing fencing on the west side of "C" Road shall be removed to allow access to the trail within the 300 foot buffer areas depicted on the Conceptual Master Plan

2. The equestrian trail depicted on the Conceptual Master Plan shall include an equestrian bridge at the intersection of Collecting Canal and "C" Road to facilitate Town-wide north-south connectivity.

3. As part of the joint traffic improvements effort detailed in Section C:

(a) Equestrian traffic control devices shall be installed at points where trails cross "B" Road and/or Collecting Canal. The type and locations of such devices shall be addressed in the ~~three-party agreement~~ "B" Road Agreement per Condition C.9.

(b) "Local traffic only" signage, as addressed in the "B" Road Agreement, shall be placed on "B" Road north of the Palm Beach State College entrance.

(c) The feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Crestwood Boulevard or Folsom Road shall be addressed in the three-party agreement per Condition C.8. If feasible, the owner of Groves Town Center, along with Palm Beach

State College and the owner of the Loxahatchee Groves Commons property shall share any associated costs of placing and constructing the signage.

4. Fencing shall be incorporated on the initial site plan to separate the equestrian trails from assisted living facility buildings and parking areas, as necessary. Also, shade trees shall be incorporated along the trail route.

5. Equestrian trails shall comply with the Town design and sign guidelines.

F. ARCHITECTURAL

The architectural elevations for included buildings, as well as a theme for the entire Groves Town Center development, shall be submitted simultaneously with the application for initial site plan approval. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases shall be consistent with the architectural elevations included as part of the initial site plan approval.

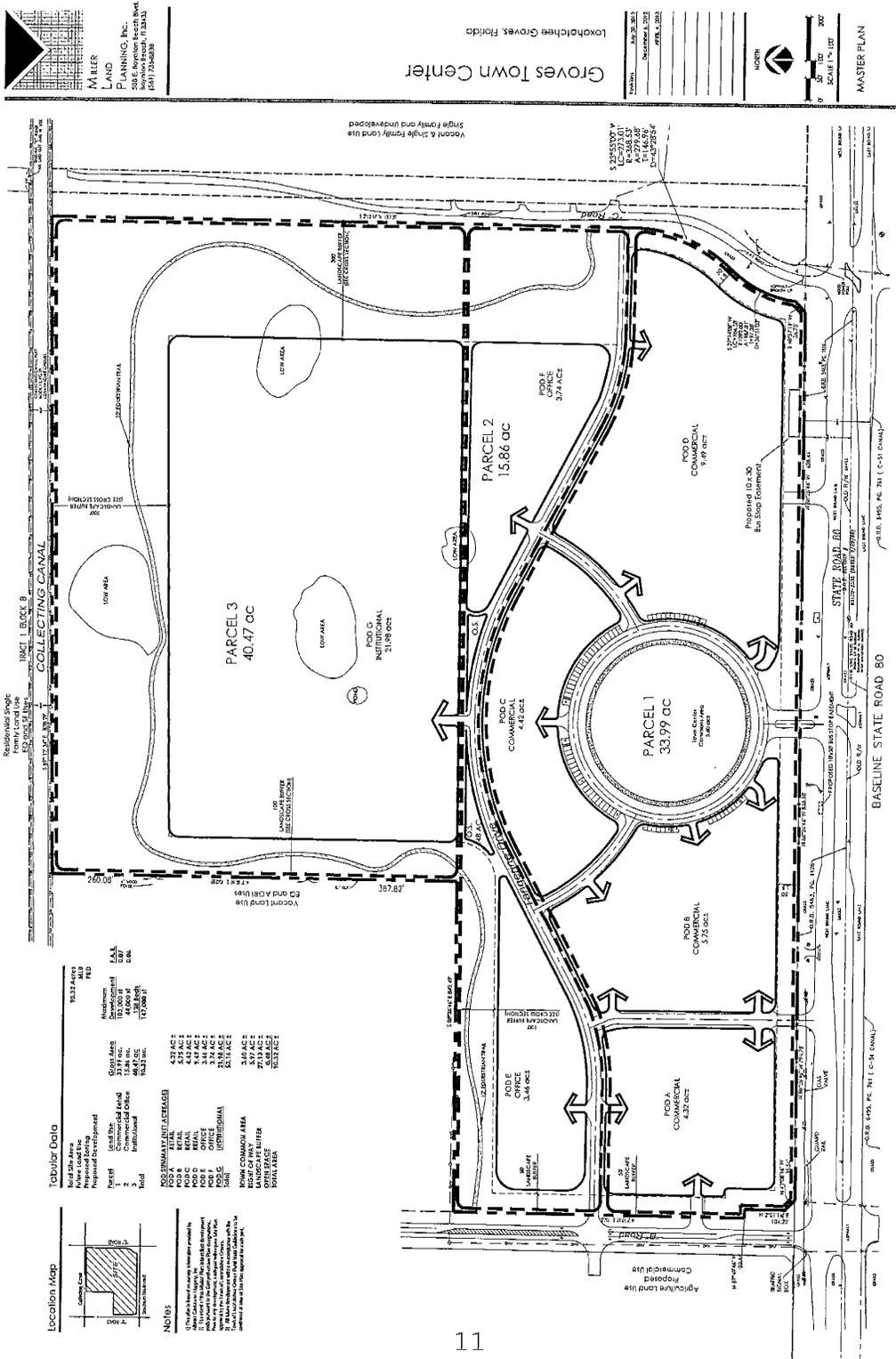
G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

1. The Applicant may propose, and the Town Council may consider waivers to standard and handicapped parking minimum space requirements during the site plan approval process for a specific development parcel or pod.

ATTACHMENT B - GROVES TOWN CENTER CONCEPTUAL MASTER PLAN



Tabular Data

Parcel	Acres	Use
Parcel 1	33.99	Commercial
Parcel 2	15.86	Office
Parcel 3	40.47	Commercial

POD	Area (ac)	Use
POD A	4.37	Office
POD B	3.75	Commercial
POD C	4.43	Commercial
POD D	21.99	Institutional
POD E	3.74	Office
POD F	2.88	Office
POD G	4.43	Commercial
POD H	3.75	Commercial
POD I	3.75	Commercial
POD J	3.75	Commercial
POD K	3.75	Commercial
POD L	3.75	Commercial
POD M	3.75	Commercial
POD N	3.75	Commercial
POD O	3.75	Commercial
POD P	3.75	Commercial
POD Q	3.75	Commercial
POD R	3.75	Commercial
POD S	3.75	Commercial
POD T	3.75	Commercial
POD U	3.75	Commercial
POD V	3.75	Commercial
POD W	3.75	Commercial
POD X	3.75	Commercial
POD Y	3.75	Commercial
POD Z	3.75	Commercial

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, PROVIDING FOR THE REZONING OF LAND CONSISTING OF APPROXIMATELY 90.33 ACRES, MORE OR LESS, LOCATED AT THE NORTHEAST CORNER OF SOUTHERN BOULEVARD AND “B” ROAD, LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED AND AS DESIGNATED ON THE MAP ATTACHED AS EXHIBIT “A” TO THIS ORDINANCE, FROM LOXAHATCHEE GROVES ZONING DESIGNATION AGRICULTURAL RESIDENTIAL (AR) TO THE LOXAHATCHEE GROVES ZONING DESIGNATION MULTIPLE LAND USE PLANNED UNIT DEVELOPMENT (MLU/PUD); PROVIDING FOR THE APPROPRIATE REVISIONS OF THE ZONING DISTRICT MAP; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on November 16, 2010, the Town adopted Ordinance 2010-009, which adopted the Town’s Unified Land Development Code (ULDC), including the designation of zoning districts in the Town, consistent with the Town’s Comprehensive Plan; and,

WHEREAS, on November 20, 2012, the Town adopted Ordinance 2012-08 which created a new zoning category, entitled Planned Unit Development (“PUD”), to facilitate development on property that exceeds expectations of standard zoning districts, implements the Town’s Comprehensive Plan, and to allow for creative use of land and quality development; and,

WHEREAS, the Property Owners, Solar Sportsystems, Inc. and Loxahatchee Equestrian Partners, LLC, have submitted petition REZ 2013-02 to rezone certain property located at the northeast corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 90.33 acres, more or less, legally described and as designated on the map in Exhibit “A”, attached hereto (the “Property”), from Loxahatchee Groves zoning designation Agricultural Residential (AR) to the Loxahatchee Groves zoning designation of

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

Multiple Land Use Planned Unit Development (MLU/PUD), and,

WHEREAS, at its meeting of April 11, 2013, the Town’s Planning and Zoning Board (PZB), considered petition REZ 2013-02 to rezone the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, at its meeting of April 24, 2013, the Town’s Recreation Equestrian Trails and Greenways Advisory Committee (RETGAC), considered petition REZ 2013-02 to rezone the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, at its meeting of April 24, 2013, the Town’s Recreation Equestrian Trails and Greenways Advisory Committee (RETGAC), considered petition REZ 2013-02 to rezone the Property, and recommended approval to the Town Council subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, at its meeting of November 5, 2013, the Town Council approved REZ 2013-02 on First Reading to rezone the Property subject to certain conditions stated in the Staff Report dated January 10, 2015 and incorporated by reference herein; and

WHEREAS, the notice and hearing requirements for adoption of rezoning ordinances contained in the Florida Statutes and the Town’s Code of Ordinances have been satisfied; and

WHEREAS, the Town Council of the Town of Loxahatchee Groves has conducted a quasi-judicial hearing and considered petition REZ 2013-02 for rezoning, the recommendation of the RETGAC, the PZB, Town Staff, and the comments from the public; and

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida (“Town”), pursuant to the authority vested in Chapter 166, Florida Statutes, is authorized and empowered to consider petitions relating to the rezoning of property within the Town; and

WHEREAS, the Council, pursuant to Section 160-020 (Review criteria; Town Council action) of the Town of Loxahatchee Groves Unified Land Development Code and Town Ordinance 2012-08 (Planned Unit Development) is authorized and empowered to consider, approve, approve with conditions PUD rezoning petitions;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, AS FOLLOWS:

Section 1. The foregoing “Whereas” clauses are hereby ratified and confirmed as being true and correct, and are hereby made a specific part of this Ordinance.

Section 2. The Town Council has considered the findings in the Staff Reports dated April 4, 2013 and January 10, 2015 and the Town RETGAC and LPA recommendations and makes the following findings of fact:

1. The Town Council finds petition REZ 2013-02 to be generally consistent with the intent and direction of the Comprehensive Plan, the rezoning criteria, as depicted in Section 160-020(A) (1) – (6) of the Town of Loxahatchee Groves Unified Land Development Regulations, and the objectives and standards of a Planned Unit Development, as depicted in Town of Loxahatchee Groves Ordinance 2012-08.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

2. To insure consistency with the Comprehensive Plan and land development regulations, and the results of the various studies and analysis completed in the review of rezoning petition REZ 2013-02, certain conditions of approval are necessary.

Section 3. The zoning of the property located at the northeast corner of Southern Boulevard, and “B” Road, Loxahatchee Groves, Florida, totaling approximately 90.33 acres, more or less, legally described, and as designated on the map, in Exhibit “A”, attached hereto, from Town of Loxahatchee Groves zoning designation Agricultural Residential (AR) to the Town of Loxahatchee Groves zoning designation of Multiple Land Use Planned Unit Development (MLU/PUD) is hereby approved subject to the Master Plan and Conditions of Approval in Exhibit “B”, attached hereto.

Section 4. The Town Administration is hereby authorized and directed to make appropriate changes on the zoning map of the Town, to effectuate the purpose of this ordinance.

Section 5. If any clause, section, or other part or application of this Ordinance shall be held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional or invalid part or application shall be considered eliminated and so not affecting the validity of the remaining portion or applications remaining in full force and effect.

Section 6. All ordinances or parts of ordinances, resolutions or parts of resolutions in conflict herewith are to the extent of such conflicts hereby repealed.

Section 7. This Ordinance shall take effect as provided by law.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, ON FIRST READING, THIS 5th DAY OF NOVEMBER, 2013.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN LOXAHATCHEE GROVES, ON SECOND READING AND PUBLIC HEARING, THIS _____ DAY OF _____, 2015.

**TOWN OF LOXAHATCHEE GROVES,
FLORIDA**

ATTEST:

Mayor David Browning

TOWN CLERK

Vice Mayor Ron Jarriel

Council Member Jim Rockett

APPROVED AS TO LEGAL FORM:

Council Member Ryan Liang

Office of the Town Attorney

Council Member Tom Goltzene

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

EXHIBIT A

LEGAL DESCRIPTION:

LAND DESCRIPTION:

THE SOUTH 1000 FEET OF TRACT 4, BLOCK "I", LOXAHATCHEE GROVES, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, LESS THE RIGHT-OF-WAY DEED IN DEED BOOK 1005, PAGE 577, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

LOT 5, BLOCK "I" LOXAHATCHEE GROVES, LYING NORTH OF STATE ROAD 80, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 12, PAGE 29, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA LESS AND EXCEPT THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN THE ORDER OF TAKING IN O.R. BOOK 5463, PAGE 1126, PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

TOGETHER WITH:

TRACT 6, BLOCK "I", OF LOXAHATCHEE GROVES, ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

LESS AND EXCEPT:

THAT PORTION FOR STATE ROAD 80, AS DESCRIBED IN ORDER OF TAKING RECORDED IN OFFICIAL RECORD BOOK 5463, PAGE 1126, AND THAT PORTION OF THE RIGHT-OF-WAY DEED RECORDED IN DEED BOOK 1005, PAGE 577, ALL OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

AND

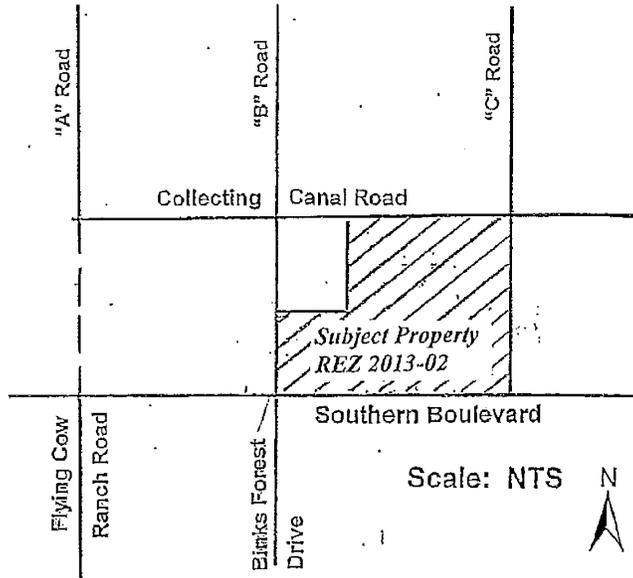
THAT PORTION OF TRACT 6, BLOCK "I" RE-CONVEYED TO GASPAR MORELLO AND ELIZABETH MORELLO, HUSBAND AND WIFE, IN QUIT-CLAIM DEED RECORDED JANUARY 25, 2002, IN OFFICIAL RECORD BOOK 13344, PAGE 953, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

BEGINNING AT THE INTERSECTION OF THE PLATTED EAST LINE OF TRACT 6, BLOCK "I" ACCORDING TO THE PLAT OF LOXAHATCHEE GROVES, AS RECORDED IN PLAT BOOK 12, PAGE 29, OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA, AND THE NORTHERLY RIGHT-OF-WAY LINE OF SOUTHERN BOULEVARD STATE ROAD 80 ACCORDING TO THE FDOT RIGHT-OF-WAY MAP, SECTION 93120-3528, SHEET 5 OF 13, DATED 1986, THENCE, NORTH 88 DEGREES 26 MINUTES 32 SECONDS WEST ALONG THE NORTHERLY RIGHT-OF-WAY OF SOUTHERN BOULEVARD, 66.16 FEET; THENCE, NORTH 39 DEGREES 58 MINUTES 31 SECONDS WEST, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF "C" ROAD, ACCORDING TO THE FDOT RIGHT-OF-WAY MAP, 33.14 FEET, TO A POINT OF CURVATURE; THENCE, NORTHERLY ALONG THE ARC OF A CURVE CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 202.00 FEET AND A CENTRAL ANGLE OF 46 DEGREES 54 MINUTES 52 SECONDS, AN ARC LENGTH OF 165.40 FEET TO THE PLATTED EASTERLY LINE OF TRACT 6, BLOCK "I"; THENCE, SOUTH 02 DEGREES 09 MINUTES 47 SECONDS WEST, ALONG THE PLATTED EAST LINE OF TRACT 6, BLOCK "I", 158.23 FEET TO THE POINT OF BEGINNING. SAID LANDS SITUATE IN PALM BEACH COUNTY, FLORIDA. CONTAINING 3,934,972 SQUARE FEET/90.3345 ACRES MORE OR LESS. SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS, AND RIGHTS-OF-WAY OF RECORD.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

LOCATION MAP:



TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

EXHIBIT B

**GROVES TOWN CENTER
CONCEPTUAL MASTER PLAN AND CONDITIONS OF APPROVAL**

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

GROVES TOWN CENTER CONCEPTUAL MASTER PLAN – APRIL 4, 2013



Groves Town Center
Loxahatchee Groves, Florida

DATE:	APRIL 2013
PROJECT:	GROVES TOWN CENTER
CLIENT:	TOWN OF LOXAHATCHEE GROVES
DESIGNER:	MILLER LAND PLANNING, INC.
SCALE:	1" = 100'

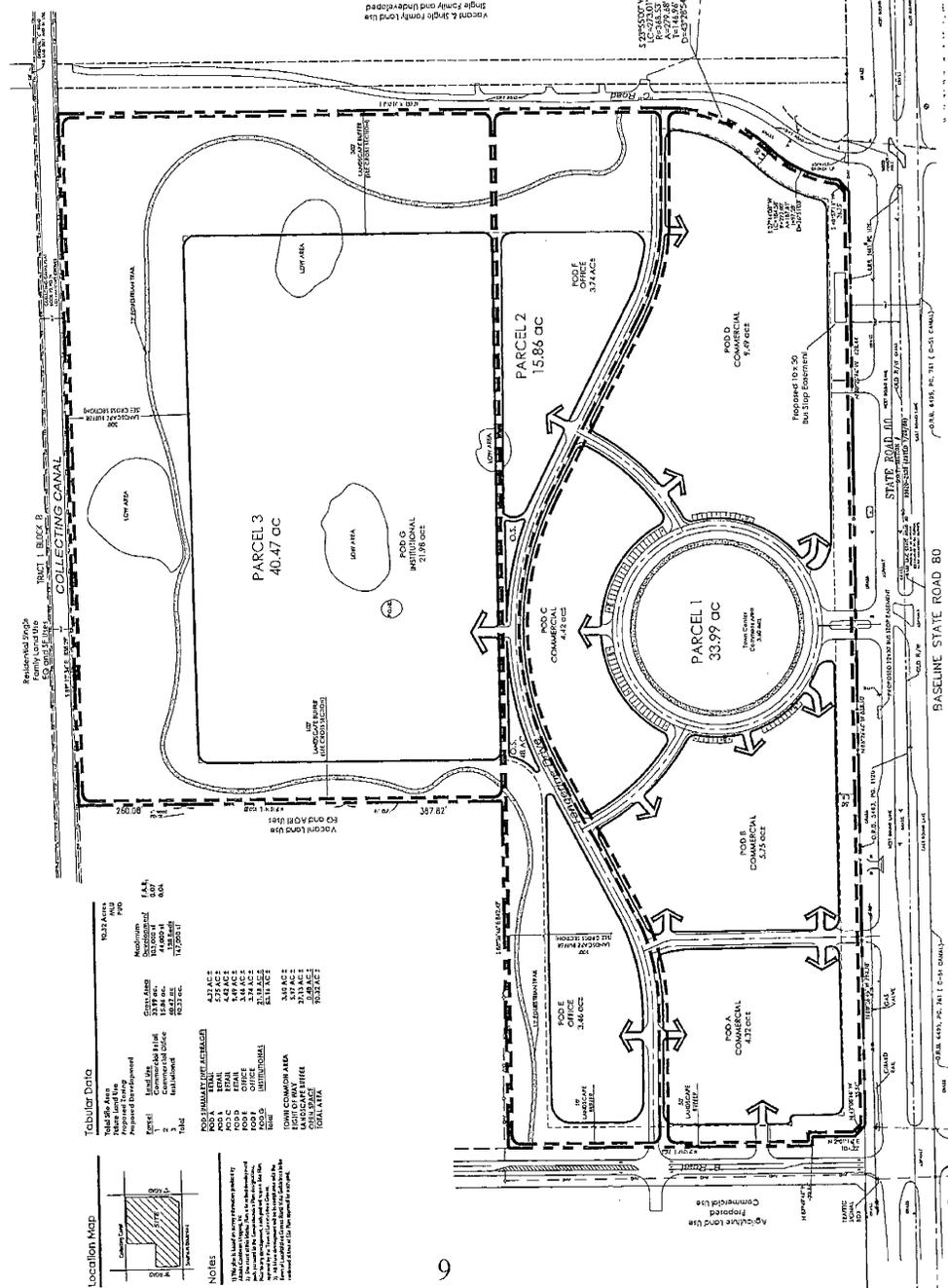
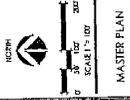


Table Data

POD	Area (AC)	Area (SQ FT)	Notes
POD A	4.37	375,000	Office
POD B	2.58	223,000	Office
POD C	4.18	360,000	Office
POD D	4.18	360,000	Office
POD E	4.18	360,000	Office
POD F	4.18	360,000	Office
POD G	2.18	188,000	Office
Total	33.99	2,955,000	

NOTES

- The site plan is for informational purposes only.
- The site plan is subject to the final engineering plan.
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TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

GROVES TOWN CENTER CONDITIONS OF APPROVAL

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Final site plans shall conform to the Conceptual Master Plan dated April 4, 2013 and the Statement of Use included as Attachment J2 of the MLU/PUD Rezoning Application REZ 2013-02, dated August 22, 2012. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

3. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code.

4. Prior to submitting the initial site plan approval application and all subsequent site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the site plan application.

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 103,000 sq. ft. of commercial low uses, 44,000 sq. ft. of commercial low professional office and medical office uses, and a 128-bed assisted living facility, consistent with the Conceptual Master Plan dated April 4, 2013.

2. A separate site plan pursuant to ULDC Article 155 for the 300-foot wide buffer areas along the northern and eastern property boundaries, including the location of equestrian trails, shall be submitted concurrently with, or a component of, the site plan for the first phase of development.

3. A Conservation Easement, Restrictive Covenant or Deed Restriction, as determined by the Town Council, limiting the use of the 300-foot wide buffer areas along the northern and eastern property lines, as indicated on the Conceptual Master Plan dated April 4, 2013, to conservation and equestrian trail uses, shall be approved by the Town and recorded with the Palm Beach County Clerk of Courts prior to receiving the first project building permit. On or before the time of the recording of the plat for Pods E and F as depicted in the Conceptual Master Plan dated April 4, 2013. The Easement, ~~or~~ Deed Restriction, or Restrictive Covenant shall include but is not limited to an approved landscape plan and buffer management plan.

4. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

TOWN OF LOXAHATCHEE GROVES

ORDINANCE NO. 2013-010

5. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

C. ENGINEERING

1. In order to comply with the Mandatory Traffic Performance Standards in place at the time of this approval, no building permits for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. Building Permits for more than 14,600 sq. ft. of general office, 21,000 sq. ft. of medical office, and the 128 unit congregate care facility (or development generating an equivalent number of external PM peak hour outbound trips, as approved by the County Engineer) shall not be issued until the Property Owner makes a proportionate share payment to the Palm Beach County Board of County Commissioners to pay for its proportionate share of the required improvement to widen Southern Blvd. from a 4-lane divided highway to a 6-lane divided highway from ¼ mile west of Big Blue Trace to the existing 6-lane section east of Palms West Parkway. The proportionate share payment shall be 7% of the total cost to construct the additional eastbound lane and 5.3% of the total cost to construct the westbound lane. The amount of the proportionate share payment shall be calculated at the time of payment based on the best estimate of the total cost of the required improvement as approved by the County Engineer.

3. Building Permits for more than 21,000 sq. ft. of retail, 23,000 sq. ft. of general office, 21,000 sq. ft. of medical office, and the 128 unit congregate care facility (or development generating an equivalent number of total PM peak hour outbound trips, as approved by the County Engineer) shall not be issued until construction commences for a second west approach left turn lane (and appropriate receiving lanes) and an exclusive north approach left turn lane, through lane and right turn lane at the intersection of Southern Blvd. and B Road. Construction shall include any required signal modifications in conjunction with the roadway improvements, and may also include installation of mast arms. "Construction commences" is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

4. Acceptable surety for the design, right of way acquisition, the construction engineering and inspection costs, as well as the construction for the offsite road improvements as outlined in Condition No. 3 shall be posted with the County Traffic Division prior to or within six months of Development Order Approval. Surety in the amount of 110% shall be based upon a Certified Cost Estimate provided by the Developer's Engineer and approved by the County Engineer. At any time during the duration of the surety the County Engineer shall have the authority to determine that sufficient progress has not been made for any and all required work. In the event such a determination is made, Palm Beach County shall have the right to request funds be drawn for the surety (surety drawn) and Palm Beach County may then complete all required work. The County Engineer shall also have the authority to require that the surety amount be updated to reflect current anticipated costs at any time during the duration of the surety.

5. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard. Construction

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commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

6. No Building Permits shall be issued until construction commences for a north approach left turn lane on B Road at the project's first access connection north of the terminus of the traffic separator. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

7. B Road shall be constructed as a 2-lane paved roadway, including a traffic separator, from Southern Boulevard north to the B Road entrance to Palm Beach State College, according to the terms of the ~~three party agreement~~ B Road Improvement Agreement dated November x, 2013 ~~2014~~ TOWN ("B Road Agreement) between the property owner, Palm Beach State College and the owner of the Loxahatchee Groves Commons property. Prior to becoming effective, the "B Road Agreement" shall be approved by the Loxahatchee Groves Town Council.

8. Funds in lieu of construction of B Road as a 2-lane OGEM roadway surface between the northern terminus of the 2-lane paved roadway, including Collecting Canal bridge/culvert improvements, to Okeechobee Boulevard, ~~shall~~ may be deposited in an escrow account according to the terms of the ~~three party agreement dated November x, 2013~~ "B" Road Agreement between the property owner, Palm Beach State College and the owner of the Loxahatchee Groves Commons property. Construction of this section of "B" Road shall be subject to the requirements of the Town of Loxahatchee Groves. TOWN

9. Construction of paved roadway improvements cited in Condition C.7, above, shall be concurrent with the paving and drainage improvements for the site, Palm Beach State College, or Loxahatchee Groves Commons, whichever occurs first. Any and all costs associated with the construction shall be paid according to the terms established in the ~~above referenced agreement with Palm Beach State College and the Owner of the Loxahatchee Groves Commons property~~ "B" Road Agreement. These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

10. Construction pursuant to Condition C.8 shall be according to a schedule established by the Town. Any and all costs apportioned to the Project shall be paid to ~~an escrow account established for this purpose~~ according to the terms established in the ~~above referenced agreement with Palm Beach State College and the Owner of the Loxahatchee Groves Commons property.~~ "B" Road Agreement. Costs, assuming construction on the existing unpaved roadway section, shall include roadway design, permitting, construction and inspection.

11. C Road shall be constructed as a continuous 2-lane paved roadway between Southern Boulevard and Tangerine Drive in conjunction with the development of Pod D or F, whichever occurs first.

12. Any future request to modify Conditions C.1 – C.3 must be based upon an approved Traffic Study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

13. Any future realignment of either or both of the "B" Road access drives, as indicated on the Conceptual Master Plan, shall require approval by the Town's Consulting Engineer.

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D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85.

3. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities, a Phase 1 Archaeological Survey of the property shall be completed.

5. Native plants shall be retained to the extent possible.

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trails depicted on the Master Plan are conceptual. Final trail locations shall be determined during the site plan approval process required in Condition B.2, and shall include a trail segment along Collecting Canal to facilitate Town-wide east-west connectivity. Existing fencing on the west side of "C" Road shall be removed to allow access to the trail within the 300 foot buffer areas depicted on the Conceptual Master Plan

2. The equestrian trail depicted on the Conceptual Master Plan shall include an equestrian bridge at the intersection of Collecting Canal and "C" Road to facilitate Town-wide north-south connectivity.

3. As part of the joint traffic improvements effort detailed in Section C:

(a) Equestrian traffic control devices shall be installed at points where trails cross "B" Road and/or Collecting Canal. The type and locations of such devices shall be addressed in the ~~three-party agreement~~ "B" Road Agreement per Condition C.9.

(b) "Local traffic only" signage, as addressed in the "B" Road Agreement, shall be placed on "B" Road north of the Palm Beach State College entrance.

(c) The feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Crestwood Boulevard or Folsom Road shall be addressed in the three-party agreement per Condition C.8. If feasible, the

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owner of Groves Town Center, along with Palm Beach State College and the owner of the Loxahatchee Groves Commons property shall share any associated costs of placing and constructing the signage.

4. Fencing shall be incorporated on the initial site plan to separate the equestrian trails from assisted living facility buildings and parking areas, as necessary. Also, shade trees shall be incorporated along the trail route.

5. Equestrian trails shall comply with the Town design and sign guidelines.

F. ARCHITECTURAL

The architectural elevations for included buildings, as well as a theme for the entire Groves Town Center development, shall be submitted simultaneously with the application for initial site plan approval. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases shall be consistent with the architectural elevations included as part of the initial site plan approval.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

1. The Applicant may propose, and the Town Council may consider waivers to standard and handicapped parking minimum space requirements during the site plan approval process for a specific development parcel or pod.

**Town of Loxahatchee Groves, FLORIDA
Town Council AGENDA ITEM REPORT**

AGENDA ITEM NO. 7.a.

MEETING DATE: February 17, 2015

PREPARED BY: Jim Fleishmann, Planner

SUBJECT: Proposed Site Plan SP 2014-02 Approval for Loxahatchee Groves Commons

1.BACKGROUND/HISTORY

Problem Statement: The applicant has requested Site Plan approval for Loxahatchee Groves Commons. The assignment of a Commercial Low Planned Unit Development (CL/PUD) zoning designation to implement the previously assigned CL FLU designation is to be considered earlier at the January 20, 2015 Council meeting.

Problem Solution: Consider approval of Resolution 2015-05. The resolution may only be considered if Ordinance 2013-09 is approved on Second Reading earlier in the meeting.

2.CURRENT ACTIVITY

The PZB at its meeting on December 18, 2014 recommended approval of application SP 2014-02

3.ATTACHMENTS

1. Staff Report SP Application 2014-02
2. Resolution 2015-05

4.FINANCIAL IMPACT

SP Application 2014-02 is funded by the Applicant through the Town's Cost Recovery System.

5.RECOMMENDED ACTION

Approval of Resolution 2015-05.

**TOWN OF LOXAHATCHEE GROVES
TOWN COUNCIL
January 20, 2015**

**AGENDA ITEM STAFF SUMMARY:
Loxahatchee Groves Commons Site Plan Review (SP 2014-2)**

A. Site and Applicant Information

Project Name	Loxahatchee Groves Commons Site Plan Approval
Project No.	SP 2014-02
Agent	Bob Bentz, Managing Partner, Joe Lelonek, Jeff Zito, Atlantic Land Investments LLC
Applicant	Big Dog Ranch Rescue, Inc.
Owner	Ernest G. Simon Trust
Parcel Control No.	41-41-43-31-09-000-0020
Location	Northwest corner of Southern Boulevard and "B" Road
Size (Acreage)	21.73 acres
Zoning	Commercial Low Planned Unit Development (CL/PUD)
Future Land Use	Commercial Low
Existing Use	Vacant/undeveloped
Approved Use	No prior approvals
Proposed Use	94,655 sq. ft. shopping center

B. Adjacent Properties (Existing Use, Future Land Use and Zoning)

LAND USE	NORTH	SOUTH	EAST	WEST
EXISTING USE	Vacant/ Undeveloped	Southern Boulevard followed by C-51 Canal	"B" Road followed by vacant/ Undeveloped	Vacant/ Undeveloped
APPROVED USE	Palm Beach State College campus	Southern Boulevard	Comprehensive Plan: 103,000 sq. ft. of retail, 44,000 sq. ft. of office and 128 CLF beds.	Palm Beach State College campus
FUTURE LAND USE	RR 5 (Rural Residential 5)	N/A	Multiple Land Use (MLU)	RR 5 (Rural Residential 5)
ZONING	AR (Agricultural Residential)	N/A	Multiple Land Use Planned Unit Development (MLU/PUD)	AR (Agricultural Residential)

C. Submitted Support Documents

ITEM	CONTENT
Site Plan	Tabular computations, location and height of structures, floor area by use, vehicular circulation system and connections to public r-o-w, adjacent public and private r-o-w, location of trash and garbage disposal system, location, dimensions, clearances and access of parking and loading areas, areas for emergency vehicles, location of drainage features, and location, size and design of signs.
Engineering Plans	Water and wastewater provider and drainage maintenance entity, traffic impact analysis, FDOT Pre-Application Letter, Drainage Statement, Preliminary Surface Water Management Calculations, Building and Structure Finish Floor Elevations, Schematic Paving and Stormwater Management Plans, Schematic Water and Sewer Plan, Existing Fire Hydrant Locations.
Architectural Plans	Floor Plans and Elevations for Grocer, Junior Anchor and Local Retail Spaces.
Service Provider Letters	Palm Beach County Water Utilities, South Florida Water Management District, Loxahatchee Groves Water Control District, Florida DOT.
Natural Features Inventory	Vegetation Inventory, Soils, Significant Habitats, Surface Waters and Wetlands
Landscape Plans	Tree Inventory, Mitigation Plan, Landscape Plan

D. Narrative Information

1. Property History

The 21.73 acre property, located at the northwest corner of Southern Boulevard and “B” Road in Loxahatchee Groves, consists of a single parcel. The property was originally a part of the 96.73 acre “Simon Property” which was assigned a Multiple Land Use (MLU) future land use designation by the Town in 2011 (Ref: Ordinance 2011-15) for the purpose of implementing a mixed-use development concept consisting of the following three land uses: Rural Residential 5 (RR 5), Commercial Low (CL) and Commercial Low Office (CL-O).

Subsequent to the MLU approval, Palm Beach State College (PBSC) entered into a contract with the owner to purchase a 75 acre portion of the parcel for the purpose of developing a PBSC branch campus. In order to allow the PBSC proposal to proceed, a Future Land Use Map amendment was approved by the Town (Ordinance 2012-04) rescinding the MLU future land use designation on the entire 96.73 acre property and assigning an RR-5 designation to 75 acres of the property (PBSC parcel) and a CL designation to the balance (21.73 acre subject site). This action allowed the PBSC branch campus (75 acres) and a shopping center (21.73 acres) to be developed on the 96.73 acre “Simon Property”.

In order to accommodate the sale of the 75 acre portion of the property to PBSC, it was necessary to split the 96.73 acre property. A boundary plat, approved by the Town in October 2012 (Resolution 2012-17) accomplished the lot-split.

An application for rezoning to Commercial Low Planned Unit Development (CL/PUD) was approved by the Town Council on First Reading of Ordinance 2013-09. Second reading of the ordinance is scheduled for December 2014 or January 2015.

2. Summary of Request

The Town's Planned Unit Development (PUD) ordinance requires a Conceptual Master Plan to be approved as part of the PUD. The Conceptual Master Plan consists of a 94,665 retail shopping center including the following mix of uses: Main Retail – 63,558 sq. ft.; Agricultural sales - 19,097 sq. ft; Drive-in Bank Outparcel – 4,000 sq. ft.; Fast-food Restaurant with Drive-thru Outparcel - 4,000 sq. ft.; and Retail Building Outparcel (4,000 sq. ft.) In addition, screened outdoor storage and display (16,000 sq. ft.) and unscreened display (3,400 sq. ft.) areas are proposed.

The following descriptions summarize the proposed development components:

- Major Anchor: Retail Grocery (46,031 sq. ft.)
- Minor Anchor: Agricultural Indoor Sales (19,097 sq. ft. building) + 16,000 sq. ft. enclosed outdoor storage and display area + 3,400 sq. ft. open outdoor display area)
- Inline Local Retail (17,527 sq. ft.)
- Three Outparcels (Fast-food – 4,000 sq. ft., + Bank – 4,000 sq. ft. + Retail – 4,000 sq. ft.)
- Other Features of Note: Preserve/Passive Park (0.72 acres) + Lake Tract (5.40 acres) + Dry Retention Areas (0.94 acres) + Equestrian Trail + Connectivity with future Palm Beach College + "B" Road Improvements.

E. Staff Finding and Recommendation

Staff finds the proposed site plan consistent with the Town's Comprehensive Plan and land development regulations, subject to: (1) rezoning of the property to CL/PUD by the Town Council per Ordinance 2013-09, including the Final Conditions of Approval included therein and Site Plan 2014-02 Conditions of Approval included in Attachment B

F. Planning and Zoning Board (PZB) Recommendation

The PZB, at its meeting on December 18, 2014, voted to recommend approval of SP 2014-02 by a 2 – 1 vote.

G. Staff Review Summary

1. Adjacent Land Uses

Direction	Existing/Approved Uses	Potential Issues
North	Approved Palm Beach State College campus	None – Buffers, screening and connectivity to be provided
South	Southern Boulevard followed by the C-51 Canal	None – FDOT approved access improvements to be provided
East	“B” Road followed by approved MUPD: Groves Town Center - 103,000 sq. ft. of retail, 44,000 sq. ft. of office and 128 CLF beds.	None – B Road improvements to address drainage, access and connectivity issues
West	Approved Palm Beach State College campus	None – Buffers, screening and connectivity to be provided

2. Infrastructure Impacts

Infrastructure Service	Summary
Water/wastewater	Property can be served by County central water/wastewater along Southern Boulevard. Applicant currently coordinating a Standard Developers Agreement (SDA) with PBCWUD. An executed SDA will be presented to the Town within 30 days of Site Plan Approval by the Town
Surface Water Management	Drainage statement and Engineering Plans provided. The drainage system will consist of a dry detention areas, lakes, inlets and culverts. Legal positive outfall provided by discharge to the C-51 Canal. A control structure will regulate discharge to C-51 Canal to not exceed the 25-Year Storm, 3-Day Event criterion established by SFWMD.
Solid Waste Disposal	Solid Waste Authority letter confirms disposal capacity available. Applicant must execute contract with private hauler for collection.
Transportation	Palm Beach County Traffic Division has issued a TPS Review indicating that the proposed development meets the Traffic Performance Standards of Palm Beach County, subject to conditions which are incorporated within the Conditions of Approval. A Traffic Equivalency Letter has been supplied by the Applicant’s Engineer indicating that final Site Plan revisions will not generate additional traffic above previous approvals and therefore meet County TPS Standards.
Parks and Recreation	LOS Standards not Applicable – Commercial land use and zoning; however a 0.72 acre preserve/passive park and multi-use trails around the lake have been included in the Site Plan.
Public Schools	Not Applicable – Commercial land use and zoning
FIRE/EMS	Letter from Palm Beach County Fire/Rescue indicating an estimated response time less than the average for the nearest station.

3. Environment

Item	Summary
Natural Resources	<p>An Environmental Assessment Report (EAR) was prepared in June of 2012 by EW Consultants as part of Future Land Use Amendment Application 2012-01. No animal species listed as protected by federal, state or local environmental regulatory agencies, nor any signs of such animals were observed on the property.</p> <p>A majority of the first 300 feet into the property along the Southern Boulevard frontage was used for grazing and is not heavily vegetated. The portion further to the North includes an area native species and exotic plants primarily located where the 5.40 acre lake is planned to satisfy SFWMD regulations and buffer the PBSC property. A tree mitigation plan will be prepared pursuant to ULDC Article 87 to compensate for the removal of native vegetation</p>
Historical Resources	<p>An historical sites review was prepared by the Palm Beach County Archaeologist and independently by the Applicant. One known archaeological site (i.e. No. 8PB11426 -West Palm Beach Canal) is located on or within 500 feet of the subject property. If activities on the subject property impact the Canal, mitigation work may be required by the Florida Division of Historic Resources.</p>
Flood Zone	<p>Zone X-500, per Map # FLU 1.5 of the Comprehensive Plan . Zone X-500 is generally the area between the limits of the 100-year and 500-year flood.</p>

4. Comprehensive Plan and Zoning Consistency

Proposed SP 14-2 is consistent with the Comprehensive Plan

- The current Future Land Use Map designation of the property is Commercial Low
- The proposed (i.e. Ordinance 2013-010) Zoning Map designation of the property is Commercial Low/Planned Unit Development (CL/PUD).
- The proposed commercial shopping center is a permitted use within the Commercial Low (CL) zoning district subject to meeting the requirements of Article 25 “*Commercial Zoning Districts*” of the ULDC.
- Per the Staff Report supporting Ordinance 2013-010, the proposed commercial shopping center has met the PUD requirements, including Conceptual Master Plan, Statement of Use, Consistency with PUD Design Requirements, Statement of Intent to Subdivide, Justification of Proposed Waivers, Conceptual Driveway Permit, Market Study, and Environmental Assessment of Article 41 “*Planned Unit Development*”.

5. Zoning Requirements: CL Zoning District Regulations

Regulation	Standard	Property Complies?
Minimum lot size	5 acres	Yes – 21.73 acres
Frontage and Access	ULDC Section 100-35: legal access from a publically dedicated street	Yes – Proposed access to both Southern Blvd. and “B” Road
Minimum frontage/width	200 feet	Yes – 1,022 ft. on Southern Blvd. and 771 ft. on “B” Road
Minimum depth	200 feet	Yes – 771 feet
Maximum Floor-Area-Ratio	0.10	Yes – 0.10
Maximum building and roofed structures lot coverage	25%	Yes – 10%
Front setback	50 feet	Yes – 80 feet
Side street setback	25 feet	Yes – 93 feet
Rear setback	50 feet	Yes – 299 feet
Minimum pervious area	30%	Yes – 44%
Maximum building height	35 feet	Yes – 35 feet maximum

6. ULDC Section 155-020: Substantive Requirements (Site Plan)

Criterion	Compliance
Section 150-020 (A) Conformance to the approved and/or recorded plat, if applicable	Property is in conformance with the Simon Trust Boundary Plat, Lot 2, approved by the Town (Resolution 2012-17).
Section 150-020 (B) Consistency with the Loxahatchee Groves Comprehensive Plan	Yes – Refer to Section D, above.
Section 150-020 (C) Conformance with the Town of Loxahatchee Groves ULDC	Yes – Refer to Section D, and E above and Section G, below.
Section 150-020 (D) Conformity with the water control district’s requirements and regulations.	Proposed drainage discharge to C-51 Canal. “B” Road R.O.W addressed in the “B Road Agreement”. No LGWCD issues.

7. ULDC Supplementary Requirements

a. ULDC Article 85: Landscape Plan Requirements

Requirement	Response
Section 85-025 (B) Plots of 2 acres or more shall preserve or create and maintain an ecological community of at least 3% of area of the property – 0.65 acres required	0.72 acres of preserve area/passive park provided. Meets code requirement.

Requirement	Response (continued)
Section 85-040 (D) (2) and (3) A tree survey, including trees to be removed or relocated, including proposed relocation sites	Tree inventory and tabular list provided
Section 85-040 (D) (7) The location, including height, caliper and canopy spread of all landscape materials	Provided in the Landscape Plan
Section 85-040 (E) Irrigation plan if irrigation system to be used	Provided in the Irrigation Plan
Section 85-050 (A) (1) No substances that prevent water percolation in areas not containing structures or paving	Provided in the Landscape Plan
Section 85-050 (A) (2) Primary structures treated with shrubs @ 2.5 foot height along 20% of the structure frontage	Provided in the Landscape Plan @ 40% of structure frontage.
Section 85-050 (C) Interior open space area defined and located @ 10% of the area of vehicular use areas, excluding landscape strip or perimeter buffers	Provided in the Landscape Plan @ 14%.
Section 85-050 (B) Meets interior open space tree and shrub requirements	Provided in the Landscape Plan – Exceeds requirement.
Section 85-050 (D) Dumpsters, mechanical equipment and electrical transformers screened	Provided in the Landscape Plan
Section 85-050 (E) Signs screened	Provided in the Landscape Plan
Section 85-050 (F) Existing vegetation credit requested and calculated	Credit calculated and credit requested by Applicant.
Section 85-055 (B) Landscape buffer along property line abutting AR District	N/A – Adjacent property to west and north – PBSC campus.
Section 85-050 (C) 15 foot vehicular use landscape strip (not counted as interior open space)	Provided per Site Plan drawing.
Section 85-050 (C) (1) Vehicular use landscape requirements	Provided in the Landscape Plan.
Section 85-065 Site distance requirements (Ref: ULDC Article 105)	Requirements met per Landscape Plan.

b. ULDC Article 90 Signs

Allowed Signs	Response
Sections 05-040 Permits required and 90-070 Sign permit requirements	Condition of Approval
Section 90-040(B) Standards by sign type and zoning district (CL District shopping center or other multi-tenant center)	
(1) Mandatory attached building identification (i.e. address) sign : 1 per structure or business @ maximum sign face of 4 sq. ft.	Condition of Approval
(2) Attached awning sign (optional): Maximum 1 per structure or business @ maximum sign face of 4 sq. ft.	To be determined at the time of Sign Permit Application per ULDC Section 90-070 requirements.

Allowed Signs	Response (continued)
(3a) Outparcel or individual stand-alone building wall sign(s): 1 per building, 2 if corner location @ maximum sign face of 18 sq. ft. to 36 sq. ft. Applies to Buildings D, E and F.	To be determined at the time of Sign Permit Application per ULDC Section 90-070 requirements.
(3b) Shopping Center attached building wall sign(s): 1 per tenant, 2 if corner location: Anchor tenants @ maximum sign face of 60 sq. ft.; other tenants sign face @ 18 sq. ft. to 36 sq. ft.	To be determined at the time of Sign Permit Application per ULDC Section 90-070 requirements. Major and Minor Anchor tenants = corner locations.
(4) Attached canopy sign: 1 per canopy or 2 per building which ever is less @ 16 sq. ft. to 24 sq. ft.	To be determined at the time of Sign Permit Application per ULDC Section 90-070 requirements.
(5a) Outparcel or individual stand-alone building free-standing monument or panel sign(s): Primary sign - 1 per building @ maximum sign face of 60 sq. ft.; Drive-thru secondary sign @ maximum sign face of 12 sq. ft. Applies to Buildings D, E and F.	3 Primary Signs allowed – 3 proposed. Condition limiting sign face to 60 sq. ft.
(5b) Shopping Center free-standing monument or panel sign(s): Primary sign - 1 per driveway: @ maximum sign face of 72 sq. ft.; Drive-thru and multi-tenant buildings secondary sign – 1 sign @ maximum o sign face of 12 sq. ft. Applies to Buildings A - F	3 Primary Signs allowed – 3 proposed. Condition limiting to 3 signs. Two with sign face maximum of 72 sq. ft. ("B" Road and Southern Boulevard driveway entrances); and one with sign face maximum of 16 sq. ft. (Cross-access off PBSC driveway entrance).
(6) Real Estate or Project Sign (to be removed after sale or project completion) 1 per street frontage @ maximum sign face of 12 sq. ft.	To be determined at the time of Sign Permit Application per ULDC Section 90-070 requirements.
Sections 90-065 Landscaping around signage to meet the requirements of Section 85-050 Landscape design for interior open space	Provided in the Landscape Plan.

c. ULDC Article 95 Parking and Loading

Requirement	Response
Section 95-010 Minimum parking space requirements – 474 spaces required. 11 handicap spaces required (Ref: Table 208.2 PBC ULDC – 2% of total)	541 spaces provided. 22 handicap spaces provided.
Section 95-025 Size of parking spaces – Standard space = 11' x 22.5". Handicap space = 14' x 22.5'	Waiver requested (required spaces) – 89 spaces @ 11' x 22.5' and 385 spaces @ 10' x 20'. Angled handicap spaces @ 12' + 5' ada space x 20'/36' (meets ADA requirements)
Section 95-050 Minimum loading space requirements (i.e. for uses that receive materials by truck).- 6 spaces	6 provided (2 @ Building A; 1 @Building B; 2 @ Building C; and 1 @ Building F
Section 95-070 Size of loading spaces – 12' x 45' with 14' vertical clearance	4 spaces @ 12' x 55'; 2 spaces @ 12' x 45'; and 1 space @ 12' x 25'.
Section 95-085 and 95-095 Minimum requirements (Queueing Spaces and) for drive-thru establishments and Queueing by-pass lane	Building A – 6 spaces; Building E – 15 spaces; Building F – 20 spaces. By-pass lanes provided. Meets ULDC requirements

8. Architecture (Discussion of Rural Vista Guidelines by Applicant)

The proposed development plans are consistent with the Rural Vista Guidelines as outlined below. The Applicant has carefully considered these guidelines and applied them, where applicable, to the various design elements throughout the project.

- Areas of materials applied to mimic wood lap siding on the building and signs
- Trim at corners of buildings
- Breaks at larger building walls using arcades, banding, dormers and projections
- Use of the continuous arcade (porch) to keep the human scale along the fronts of buildings
- Use of metal roofing where applicable
- Use of dormers, mansard and other vertical elements to bring down the scale of the buildings and break up the roof line
- Integration of complex window elements on buildings
- Screening of mechanical and service areas
- Signage structures mimicking the architecture of the buildings
- Split Rail Fence and Equestrian Path
- Proposed Native Landscape material where possible
- All exterior lighting is directed downward and contains shields to be contained within the property boundaries

9. Compatibility

An inventory of land uses adjacent to the 21.73 acre subject property is presented in Section B of this analysis. The adjacent property to the north and west is currently assigned a Future Land Use designation of Rural Residential 5 (density of one dwelling unit per five acres). However, the property is owned by Palm Beach State College and is the site of a proposed branch campus. The 16.4 acre parcel adjacent to the subject site to its east, at the northeast corner of Southern Boulevard and "B" Road, is a portion of the 90.32 acre proposed Groves Town Center. The property is assigned a Multiple Land Use land use designation and the Owner has filed an application for a MLU/PUD zoning designation including retail and office commercial and assisted living uses.

Compatible land uses are defined as those which are consistent with each other in that they do not create or foster undesirable health, safety, or aesthetic effects arising from direct association of dissimilar activities, including the impacts of intensity of use, traffic, hours of operation, aesthetics, noise vibration, smoke, hazardous odors, radiation, and other land use conditions.

To be compatible, it is not necessary that two uses have the exact same function (e.g. residential, commercial, institutional, etc.). Rather, compatibility is attained when uses do not adversely affect each other. Further, uses whose functions are different can compliment and support each other. For example, a residential use can help support a commercial use and, conversely, the commercial use can provide essential goods and services to residents and businesses of surrounding neighborhoods.

In addition, separation of uses, access management, buffering, screening, setback, height, landscaping, and incorporation of Rural Vista Guidelines design criteria can further enhance compatibility, and reduce the potential negative effects of functionally different land uses. Due to the size of the subject property, each of these techniques and directives can be used to insure compatibility with neighboring properties.

The Site Plan includes a large lake along the northern boundary of the project that will create an entry feature for Loxahatchee Groves Commons as well as the Palm Beach State College's B Road entrance.

The Site Plan indicates perimeter landscape buffers in order to insure compatibility with PBSC. In addition to perimeter buffers, the preliminary site plan includes landscape planting areas adjacent to the buildings that will compliment the architecture of each building.

10. Development Review Committee (DRC) Comments

The following were notified and requested to provide any comments regarding issues or concerns with the proposed Loxahatchee Groves Commons Site Plan:

Agency/Entity	Response/Comment
County Agricultural Extension Office	No response
PBC Sheriff's Department	No response
PBC Health Department	Response/No objections
Lox. Groves Water Control District	Response (verbal) "B" Road r.o.w. to be dedicated to the Town. No drainage issues.
PBC Solid Waste Authority	Response/Comments but no objections
Keschavarz & Assoc. (Town Engineer)	Response/Comments but no objections
PBC Fire Rescue	No response
Simmons & White (Town Traffic Engineer)	Response/No objections

Loxahatchee Groves Commons Site Plan: SP 2014-02

Statement of Use

Resubmitted July 22, 2014

APPLICANT'S STATEMENT OF USE

The request of the proposed amendment is to modify +/-21.73-acres from the current AR (Agricultural Residential) Zoning designation to Planned Commercial Development (PCD). Loxahatchee Groves Commons has been designed to enhance and preserve the rural character of the area and promote economic development in the Town through the placement and design of each proposed use.

Concurrent with this rezoning request is the creation of the Planned Commercial Development (PCD) district. The intent of the PCD district is to allow for creative use of land resulting in quality development. The PCD district will encourage ingenuity and imagination with an intent to promote sustainable development, creates logical street and transportation networks, preserves the natural environment, enhances the built environment, provides services to the community and minimizes impacts on the surrounding areas through the use of flexible and innovative land development techniques. The subject property has been designed to be consistent with the proposed PCD Zoning requirements.

The location for the requested PCD Zoning designation is the most appropriate location for commercial retail uses, as it is located at the corner of a major intersection with a State SIS roadway, and located across B Road from a proposed commercial and office project located on the east side of B Road. This will create a node of community-serving uses at a logical intersection. The planned western campus of the Palm Beach State College will wrap around the west and north sides of the site as well with cross access being proposed to the campus's main entrance from Southern Boulevard. In addition, B Road connects to Binks Forest Drive to the south. The proposed commercial retail uses have been designed to promote economic development and create jobs within the Town of Loxahatchee Groves.

The subject property has been designed to locate a lake tract along the northern boundary, adjacent to the future Palm Beach State College western campus and to cluster the uses along the high traffic area of Southern Boulevard. The applicant has previously made changes to the master plan pursuant to comments received at the Planning and Zoning Board Meetings. These changes addressed the two previous main concerns of parking space sizes and circulation. Further changes have evolved with the current layout which also further the ease of circulation, cross connection with the neighboring college, and access between users on the site.

One of the changes made was to relocate the community park to be adjacent to the lake and project entrance. The location has been modified slightly to help the circulation for the center, while keeping the park area in a prominent location. In addition, the applicant is also proposing an equestrian trail around the lake providing an additional amenity for the community. The applicant has also been working with their anchor tenants to provide safer access from B Road and better vehicular circulation throughout the property. Along with these changes, one of the most important changes was to create better visibility to

ensure the project is viable. This was accomplished by pulling the entire development and all buildings closer to Southern Blvd. The proposed revisions are being made to create a better site plan for the community and the customers who will be frequenting the proposed businesses.

All exotic vegetation will be removed from the subject property. In addition, the subject property has been designed with a 10' landscape buffer along the western boundary of the property and a 15' landscape buffer along the southern boundary of the property.

STATEMENT OF INTENT TO SUBDIVIDE

The subject property is consistent with the provisions of ULDC Article 41.1.E.4.b. The development plan has been designed to allow subdivision of the outparcels (Buildings D, E, F, & G) by fee title conveyance of these internal lots, upon approval of the Town Manager. Each of these outparcels have been designed to be consistent with the requirements of Article 41.1.E.4.b.

STATEMENT OF ACKNOWLEDGEMENT OF THE DELINEATION OF NATIVE VEGETATION TO BE PRESERVED

Pursuant to the Town's comprehensive plan and land development regulations, the applicant is proposing to cluster the commercial development on the +/-21.73-acres located at the corner of the intersection of B Road and Southern Boulevard. The majority of the first +/-300' into the property along the frontage of Southern Boulevard has been used for grazing thus is not heavily vegetated. However, the portion further into the development does include an area of pines, oaks, sabal palms, other native species and exotic plants such as Brazilian Pepper. This area lies mostly where the applicant is proposing a lake to be consistent with South Florida Water Management regulations such as compensating storage and retention requirements for the property which equates to approximately 6.5 acres of required area. The lake was located on the Northern third of the property to help buffer and transition into the PBSC property to the north and west. The applicant is proposing to cluster the commercial area as close to Southern Boulevard and B Road as possible to be consistent with the Town's comprehensive plan and land development regulations. It is important to note that most of the native plant material would fall under the retention area and thus not being suitable for preservation. The areas in and around the development area will also be re-graded to meet SFWMD drainage requirements and keep the site and off-site areas from flooding. Lastly, the applicant has provided several open space areas and perimeter buffer's where trees could be preserved however most of these areas are encompassed by brazilian pepper and not native vegetation. The applicants intends on removing all exotic vegetation from the open space areas and install new, healthy native vegetation and will utilize any existing sabal palms if they are able to be relocated from the proposed lake area.

BUFFER DETAIL FOR ANY PROPERTY LINE ADJACENT TO A RESIDENTIAL ZONING DISTRICT

This requirement is not applicable due to the commercial property bordering the future Palm Beach State College Property. The applicant has provided landscape buffers on the master plan/site plan which will be stripped of all exotic plant material and re-planted with native vegetation.

ATTACHMENT B
Loxahatchee Groves Commons Site Plan: SP 2014-02
Conditions of Approval

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. The Final Conditions of Approval of Town Ordinance 2013-09 which assigned a Commercial Low Planned Unit Development (CL/PUD) zoning designation to the site, are adopted and incorporated herein.
3. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit C (Loxahatchee Groves Commons Final Site Plan and Statement of Use) of Resolution 2015-05. The approved Final Site Plan is dated December 12, 2014. The approved Statement of Use is dated July 22, 2014. All modifications to the approved Final Site Plan and/or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
4. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with the approved Final Site Plan and Statement of Use: Site Plan, Landscape Plan, Floor Plans, and Photometric Plan.

ARCHITECTURAL

1. Building sidings and signs materials shall mimic wood lap siding
2. Trim shall be applied at the corners of buildings
3. Wall breaks on the larger buildings shall be enhanced by using arcades, banding, dormers and projections
4. Continuous arcades (porch) shall be used as a means of creating human scale along the fronts of buildings
5. Metal roofing shall be used on all buildings
6. Dormers, mansard and other vertical elements shall be used to break up the roof line
7. Integration of complex window elements on buildings

8. Mechanical and service areas shall be screened from public view
9. Signage structures shall mimick building architecture
10. Split Rail Fencing shall be used around the Equestrian Path

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.
2. "B" Road right-of way conveyance shall be accomplished pursuant to the Final Conditions of Approval of Town Ordinance 2013-09.
3. The Property Owner shall participate in the "B" Road improvements program pursuant to the Final Conditions of Approval of Town Ordinance 2013-09.

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required land clearing permit application, a "Created Ecological Community Installation and Management Plan" shall be submitted for the 0.72 acre "Reserve/Passive Park to satisfy the requirements of ULDC Section 85-025 (C) *"Preserved/created ecological communities."*
2. Project landscaping shall conform to the Landscape Plan dated December 12, 2014.

EXTERIOR LIGHTING

1. Exterior lighting shall comply with the Photometric Plan dated December 12, 2014 .
2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved Final Site Plan dated December 12, 2014.

SIGNS

The number of monument signs shall be limited to the following:

1. Three outparcel free-standing signs with a maximum sign face of 60 sq. ft.
2. Three shopping center free-standing signs at the following locations: "B" Road entrance with a maximum sign face of 72 sq. ft.; Southern Boulevard entrance with a maximum sign face of 72 sq. ft.; and PBSC entrance off of Southern Boulevard, located at the cross-access drive with a maximum sign face of 16 sq. ft.

USE LIMITATIONS

1. Bars and night clubs are prohibited.

UTILITIES AND SERVICES

1. A Developer's Agreement shall be executed by the Property Owner and the Palm Beach County Water Utility Department and approved by the Town of Loxahatchee Groves for the provision of central water and wastewater service to the project prior to issuance of the first project building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy

TOWN OF LOXAHATCHEE GROVES

RESOLUTION NO. 2015-05

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LOXAHATCHEE GROVES, FLORIDA, APPROVING THE LOXAHATCHEE GROVES COMMONS SITE PLAN, FOR LAND OWNED BY ERNEST G. SIMON, AS TRUSTEE OF TRUSTS "A" AND "B" U/W/O ALEXANDER ABRAHAM SIMON, CONSISTING OF 21.73 ACRES MORE OR LESS, LOCATED AT THE NORTHWEST CORNER OF SOUTHERN BOULEVARD AND "B" ROAD LOXAHATCHEE GROVES, FLORIDA, LEGALLY DESCRIBED IN EXHIBIT "A" TO THIS RESOLUTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council, on February 17, 2015, adopted Ordinance 2013-09 approving the rezoning of the property from the Agricultural Residential (AR) zoning district to Commercial Low Planned Unit Development (CL/PUD), including the Final Conceptual Master Plan and Final Conditions of Approval ; and.

WHEREAS, the Town Council, as the governing body of the Town of Loxahatchee Groves, Florida ("Town"), pursuant to the authority vested in Chapter 163 and Chapter 166, Florida Statutes, is authorized and empowered to consider applications relating to site plans for development on property within the Town; and

WHEREAS, the Council, pursuant to Article 2 (Development Review Process) of the Town of Loxahatchee Groves Unified Land Development Code is authorized and empowered to consider, approve, approve with conditions or deny site plans; and

WHEREAS, the notice and hearing requirements, as provided for in Article 2 of the Town of Loxahatchee Groves Unified Land Development Code have been satisfied; and

WHEREAS, the Town Planning and Zoning Board (P&Z Board), at its meetings of June 13, 2013 and August 14, 2014 recommended approval of the Loxahatchee Groves Commons Site Plan Application SP 2014-02; and

WHEREAS, the Loxahatchee Groves Commons Site Plan Application SP 2014-02, was presented to the Town Council at a quasi-judicial public hearing conducted on January 20, 2015; and

WHEREAS, the Town Council has considered the evidence and testimony presented by the applicant and other interested parties and the recommendations of Town staff and Town P&Z Board; and

WHEREAS, this approval is subject to Article 2.E (Monitoring) of the Town of Loxahatchee Groves Unified Land Development Code (Town ULDC) and other provisions requiring that development commence in a timely manner.

NOW, THEREFORE, be it resolved by the Town Council of the Town of Loxahatchee Groves as follows:

Section 1. Each “WHEREAS” clause set forth above is true and correct and herein incorporated by this reference.

Section 2. The Town Council has considered the findings in the staff report dated January 10, 2015 and Town Planning and Zoning Board recommendation and makes the following findings of fact:

1. This Site Plan is consistent with the Final Conceptual Master Plan approved by the Town Council in Town Ordinance 2013-09.
1. This Site Plan is consistent with the purposes, goals, objectives and policies of the Town of Loxahatchee Groves Comprehensive Plan, including standards for building and structural intensities and intensities of use.
2. This Site Plan as presented in Exhibit B hereto, complies with relevant and appropriate portions of applicable Town of Loxahatchee Groves land development regulations. This Site Plan, along with conditions of approval, as adopted and presented in Exhibit D hereto, complies with standards imposed on it by all other applicable provisions of the Town ULDC. The Town Council finds the conditions, as presented in Exhibit D hereto, to be reasonable, and rationally related to the proposed development, and consistent with the Town’s character.
3. This Site Plan and Statement of Use, as presented in Exhibit C hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, are compatible and generally consistent with the uses and character of the land surrounding and in the vicinity of the land proposed for development.
4. The proposed design, with conditions as adopted and presented in Exhibit D hereto, minimizes adverse effects, including visual impact and intensity of the proposed use on adjacent lands.
5. This Site Plan and Statement of Use, as presented in Exhibit C hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, minimize environmental impacts, including but not limited to water, air, storm water management, wildlife, vegetation, wetlands and the natural functioning of the environment.
6. This Site Plan and Statement of Use, as presented in Exhibit C hereto, along with conditions of approval, as adopted and presented in Exhibit D hereto, will result in logical, timely and orderly development patterns.

Section 3. The Town of Loxahatchee Groves Unified Land Development Code requires that the action of the Town Council of Loxahatchee Groves be adopted by resolution. Therefore, the Town Council of the Town of Loxahatchee Groves approves the Loxahatchee Groves Commons Site Plan SP 2014-02 for the parcel of land legally described in Exhibit “A”, attached hereto and made a part hereof, and generally located as shown on a vicinity sketch as indicated in Exhibit “A”, attached hereto and made a part hereof. A copy of the Site Plan, subject to the approved conditions presented in Exhibit D, is attached hereto as Exhibit B and made a part hereof.

Section 4. All resolutions or parts of resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. If any clause, section, other part or application of this Resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or application, it shall not affect the validity of the remaining portions or applications of this Resolution.

Section 6. This Resolution shall become effective upon adoption.

[The remainder of this page intentionally left blank.]

RESOLVED AND ADOPTED by the Town Council of the TOWN OF LOXAHATCHEE GROVES, Florida this ____ day of February, 2015.

ATTEST:

TOWN OF LOXAHATCHEE GROVES,
FLORIDA

TOWN CLERK

Mayor David Browning

APPROVED AS TO LEGAL FORM:

Vice Mayor Ron Jarriel

Town Attorney

Council Member Jim Rockett

Council Member Ryan Liang

Council Member Tom Goltzene

EXHIBIT A

LEGAL DESCRIPTION AND LOCATION MAP

The following Legal Description is applicable to Resolution 2015-05:

Parcel Control Number: 41-41-43-31-09-000-0020

LOT 2, SIMON TRUST BOUNDARY PLAT, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 116, PAGE 26 OF THE PUBLIC RECORDS OF PALM BEACH COUNTY, FLORIDA.

SUBJECT TO EASEMENTS, RESTRICTIONS, RESERVATIONS, COVENANTS AND RIGHTS-OF-WAY OF RECORD.

LOCATION MAP

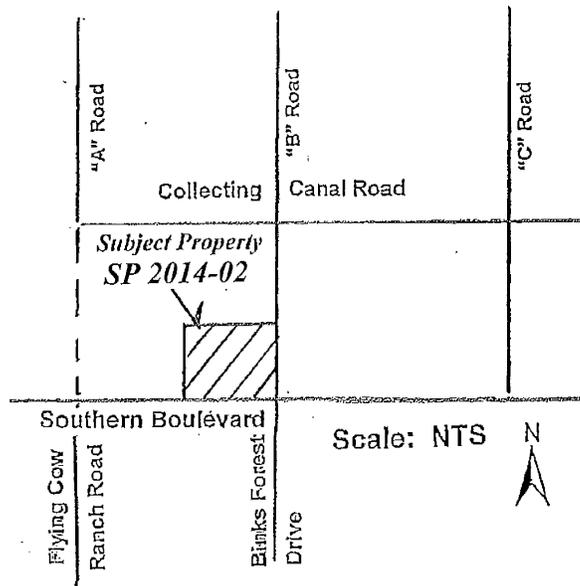


EXHIBIT C
LOXAHATCHEE GROVES COMMONS FINAL SITE PLAN: SP 2014-02
STATEMENT OF USE
July 22, 2014

APPLICANT'S STATEMENT OF USE

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One of the changes made was to relocate the community park to be adjacent to the lake and project entrance. The location has been modified slightly to help the circulation for the center, while keeping the park area in a prominent location. In addition, the applicant is also proposing an equestrian trail around the lake providing an additional amenity for the community. The applicant has also been working with their anchor tenants to provide safer access from B Road and better vehicular circulation throughout the property. Along with these changes, one of the most important changes was to create better visibility to ensure the project is viable. This was accomplished by pulling the entire development and all buildings closer to Southern Blvd. The proposed revisions are being made to create a better site plan for the community and the customers who will be frequenting the proposed businesses.

All exotic vegetation will be removed from the subject property. In addition, the subject property has been designed with a 10' landscape buffer along the western boundary of the property and a 15' landscape buffer along the southern boundary of the property.

STATEMENT OF INTENT TO SUBDIVIDE

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STATEMENT OF ACKNOWLEDGEMENT OF THE DELINEATION OF NATIVE VEGETATION TO BE PRESERVED

Pursuant to the Town's comprehensive plan and land development regulations, the applicant is proposing to cluster the commercial development on the +/-21.73-acres located at the corner of the intersection of B Road and Southern Boulevard. The majority of the first +/-300' into the property along the frontage of Southern Boulevard has been used for grazing thus is not heavily vegetated. However, the portion further into the development does include an area of pines, oaks, sabal palms, other native species and exotic plants such as Brazilian Pepper. This area lies mostly where the applicant is proposing a lake to be consistent with South Florida Water Management regulations such as compensating storage and retention requirements for the property which equates to approximately 6.5 acres of required area. The lake was located on the Northern third of the property to help buffer and transition into the PBSC property to the north and west. The applicant is proposing to cluster the commercial area as close to Southern Boulevard and B Road as possible to be consistent with the Town's comprehensive plan and land development regulations. It is important to note that most of the native plant material would fall under the retention area and thus not being suitable for preservation. The areas in and around the development area will also be re-graded to meet SFWMD drainage requirements and keep the site and off-site areas from flooding. Lastly, the applicant has provided several open space areas and perimeter buffer's where trees could be preserved however most of these areas are encompassed by brazilian pepper and not native vegetation. The applicants intends on removing all exotic vegetation from the open space areas and install new, healthy native vegetation and will utilize any existing sabal palms if they are able to be relocated from the proposed lake area.

BUFFER DETAIL FOR ANY PROPERTY LINE ADJACENT TO A RESIDENTIAL ZONING DISTRICT

This requirement is not applicable due to the commercial property bordering the future Palm Beach State College Property. The applicant has provided landscape buffers on the master plan/site plan which will be stripped of all exotic plant material and re-planted with native vegetation.

EXHIBIT D
FINAL SITE PLAN CONDITIONS OF APPROVAL

GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.
2. The Final Conditions of Approval of Town Ordinance 2013-09 (Ref: Exhibit E) which assigned a Commercial Low Planned Unit Development (CL/PUD) zoning designation to the site, are adopted and incorporated herein.
3. Development of the site is limited to the uses approved by the Town of Loxahatchee Groves in Exhibit C (Loxahatchee Groves Commons Final Site Plan and Statement of Use) of Resolution 2015-05. The approved Final Site Plan is dated December 12, 2014. The approved Statement of Use is dated July 22, 2014. All modifications to the approved Final Site Plan and/or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are in accordance with the ULDC, as determined by the Town Manager.
4. Prior to submittal of any building permit applications for processing by Palm Beach County, the Town Manager shall review and approve the following plans for consistency with the approved Final Site Plan and Statement of Use: Site Plan, Landscape Plan, Floor Plans, and Photometric Plan.

ARCHITECTURAL

1. Building sidings and signs materials shall mimic wood lap siding
2. Trim shall be applied at the corners of buildings
3. Wall breaks on the larger buildings shall be enhanced by using arcades, banding, dormers and projections
4. Continuous arcades (porch) shall be used as a means of creating human scale along the fronts of buildings
5. Metal roofing shall be used on all buildings
6. Dormers, mansard and other vertical elements shall be used to break up the roof line
7. Integration of complex window elements on buildings
8. Mechanical and service areas shall be screened from public view
9. Signage structures shall mimick building architecture

10. Split Rail Fencing shall be used around the Equestrian Path

ENGINEERING

1. Consistent with the Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no building permits for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. "B" Road right-of way conveyance shall be accomplished pursuant to the Final Conditions of Approval of Town Ordinance 2013-09 (Ref: Attachment E).

3. The Property Owner shall participate in the "B" Road improvements program pursuant to the Final Conditions of Approval of Town Ordinance 2013-09 (Ref: Attachment E).

LAND CLEARING AND LANDSCAPING

1. Any land clearing activities shall comply with the permit requirements of Article 87 "Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal" of the Loxahatchee Groves Unified Land Development Code. Included in the required land clearing permit application, a "Created Ecological Community Installation and Management Plan" shall be submitted for the 0.72 acre "Reserve/Passive Park to satisfy the requirements of ULDC Section 85-025 (C) "Preserved/created ecological communities."

2. Project landscaping shall conform to the Landscape Plan dated December 12, 2014.

EXTERIOR LIGHTING

1. Exterior lighting shall comply with the Photometric Plan dated December 12, 2014 .

2. All exterior lighting shall be directed downward and contain shields to contain lighting within the property boundaries.

PALM TRAN

1. Not Applicable.

PARKING AND LOADING

1. All parking and loading shall occur on site as indicated on the approved Final Site Plan dated December 12, 2014.

SIGNS

The number of monument signs shall be limited to the following:

1. Three outparcel free-standing signs with a maximum sign face of 60 sq. ft.
2. Three shopping center free-standing signs at the following locations: “B” Road entrance with a maximum sign face of 72 sq. ft.; Southern Boulevard entrance with a maximum sign face of 72 sq. ft.; and PBSC entrance off of Southern Boulevard, located at the cross-access drive with a maximum sign face of 16 sq. ft.

USE LIMITATIONS

1. Bars and night clubs are prohibited.

UTILITIES AND SERVICES

1. A Developer’s Agreement shall be executed by the Property Owner and the Palm Beach County Water Utility Department and approved by the Town of Loxahatchee Groves for the provision of central water and wastewater service to the project prior to issuance of the first project building permit.
2. Solid waste collection and disposal shall be accomplished by contract between the Property Owner and a third-party hauler prior to issuance of the initial certificate of occupancy

EXHIBIT E
ORDINANCE 2013-09 REZONING FINAL CONDITIONS OF APPROVAL
LOXAHATCHEE GROVES COMMONS

A. GENERAL

1. The conditions of approval herein shall apply to the Owner, Applicant and their successors and assigns.

2. Final site plans shall conform to the Site Plan (Final Conceptual Master Plan) dated December 12, 2014 and the Statement of Use dated July 22, 2014 and included as Attachment J2 of the CL/PUD Rezoning Application REZ 2013-01, or amendments thereto approved by the Town Council. Any modifications to the approved Conceptual Master Plan or Statement of Use must be approved by the Town Council unless the proposed changes are required to meet conditions of approval or are required for compliance with the ULDC.

3. Any subdivision by fee title conveyance of an internal lot which is subject to a final site plan approval shall have received prior written approval by the Town Manager based upon the application of criteria contained in Section 41.1.E.4.b of the Town Unified Land Development Code.

4. Cross access shall be provided to the Palm Beach State College property, as indicated on the Final Conceptual Master Plan dated December 12, 2014, or amendments thereto approved by the Town Council.

5. Prior to submitting an initial final site plan approval application and all subsequent final site plan applications, the Applicant shall contact Palm Tran to obtain written confirmation regarding the need for a bus stop on Southern Boulevard. Palm Tran's response shall be included in the final site plan application(s).

B. LAND USE AND SITE PLANNING

1. Development of the site shall be limited to a maximum of 94,655 sq. ft. of commercial low uses consistent with the Final Conceptual Master Plan dated December 12, 2014.

2. Bars and night clubs are prohibited.

3. The initial site plan submitted for the development shall include the 5.40 acre Lake Tract Area, and 0.72 acre Preserve/Community Park, including an equestrian trail as shown on the Final Conceptual Master Plan dated December 12, 2014.

4. Potentially objectionable features (e.g. mechanical equipment, loading/delivery areas, storage areas, dumpsters, and compactors, etc.) shall be indicated on project site plans and screened from public view.

5. All on-site deliveries during construction shall be made from project entrances off of Southern Boulevard.

C. ENGINEERING

1. Consistent with Palm Beach County Mandatory Traffic Performance Standards criteria in place at the time of this approval, no Building Permits, for the site shall be issued after December 31, 2017. A time extension for this condition may be approved by the Palm Beach County Engineer based upon an approved traffic study which complies with Mandatory Traffic Performance Standards in place at the time of the request.

2. No Building Permits shall be issued until construction commences for a north approach exclusive left turn lane and shared through/right turn lane on B Road at Southern Boulevard. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

3. No Building Permits shall be issued until construction commences for a south approach left turn lane on B Road at the project's first access connection north of the terminus for the traffic separator. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

4. No Building Permits shall be issued until construction commences for east approach right turn lanes on Southern Boulevard at each of the project access connections. Construction commences is defined as awarding the contract for construction, the acquisition of all right of way and construction easements and the acquisition of all required permits.

5. B Road shall be constructed as a 2-lane paved roadway, including a traffic separator, from Southern Boulevard north to the B Road entrance to Palm Beach State College, according to the terms of the B Road Improvement Agreement dated January x, 2015 ("B Road Agreement") between the property owner, Palm Beach State College and the owner of the Groves Town Center property. Prior to becoming effective, the "B Road Agreement" shall be approved by the Loxahatchee Groves Town Council.

6. Funds in lieu of construction of B Road as a 2-lane OGEM roadway surface between the northern terminus of the 2-lane paved roadway, including Collecting Canal bridge/culvert improvements, to Okeechobee Boulevard, may be deposited in an escrow account according to the terms of the "B Road Agreement" between the property owner, Palm Beach State College and the owner of the Groves Town Center property. Construction of this section of "B" Road shall be subject to the requirements of the Town of Loxahatchee Groves.

7. Construction of paved road improvements cited in Condition C.5, above, shall be concurrent with the paving and drainage improvements for the site, Palm Beach State College, or Groves Town Center, whichever occurs first. Any and all costs associated with the construction shall be paid according to the terms established in the "B Road Agreement". These costs shall include, but are not limited to, utility relocations and acquisition of any additional required right-of-way. Construction shall be completed prior to the issuance of the first Certificate of Occupancy.

8. Construction pursuant to Condition C.6 shall be according to a schedule established by the Town. Any and all costs apportioned to the Project shall be paid to the Town of Loxahatchee Groves according to the terms established in the "B Road Agreement". Costs, assuming construction on the existing unpaved roadway section, shall include roadway design, permitting, construction and inspection.

9. Any future request to modify Condition C.1 must be based upon an approved Traffic Study

which complies with Mandatory Traffic Performance Standards in place at the time of the request.

10. The northernmost project driveway along “B” Road shall be channelized and limited to right turn only traffic exiting the property.

11. Any future realignment of either or both of the “B” Road access drives shall require approval by the Town’s Consulting Engineer.

D. LAND CLEARING AND LANDSCAPING

1. Prior to any land clearing activities, the property owner shall comply with the permit requirements of the Loxahatchee Groves Native Tree Preservation, Soil Stabilization and Invasive Exotic Removal regulations (ULDC Article 87).

2. In conjunction with an initial site plan application for any development parcel or pod, the property owner shall submit a Landscape Plan application to the Town for review and approval pursuant to ULDC Article 85.

3. Prior to any land clearing activities, a wetlands determination shall be procured from the South Florida Water Management District and/or U.S. Army Corps of Engineers. Any proposed impacts upon jurisdictional wetlands shall require permits or authorizations from the South Florida Water Management district or U.S. Army Corps of Engineers.

4. Prior to the permitting of any land clearing, development or earthmoving activities, a Phase 1 Archaeological Survey of the property shall be completed.

5. Native plants shall be retained to the extent possible.

E. ROADWAY EQUESTRIAN TRAILS AND GREENWAYS

1. The equestrian trail depicted on the Final Conceptual Master Plan shall include a connector along “B” Road, inside of the “B” Road right-of-way, to facilitate cross-access with the Palm Beach County State College property, as stated in the “B Road Agreement”.

2. As part of the joint traffic improvements effort detailed in Section C:

(a) Equestrian traffic control devices shall be installed at points where trails cross “B” Road and/or Collecting Canal. The type and locations of such devices shall be addressed in the “B Road Agreement” per Condition C.6.

(b) “Local traffic only” signage, as addressed in the “B Road Agreement”, shall be placed on “B” Road north of the Palm Beach State College entrance.

(c) The feasibility of adding signage on Okeechobee Boulevard directing westbound vehicles travelling to Palm Beach State College to turn south on Crestwood Boulevard or Folsom Road shall be addressed in the “B Road Agreement” per Condition C.5. If feasible, the applicant, along with Palm Beach State College and the owner of the Groves Town Center property shall share any associated costs of placing and constructing the signage.

3. Fencing shall be incorporated on the initial site plan to separate the equestrian trails

from commercial buildings and parking areas, as necessary. Also, shade trees shall be incorporated along the trail route.

4. Equestrian trails shall comply with the Town design and sign guidelines.

F. ARCHITECTURAL

Architectural elevations for initial buildings, as well as a theme for the entire Loxahatchee Groves Commons development, shall be submitted with the application for initial site plan approval. Elevations for subsequent buildings shall be reviewed and approved by the Town Manager for consistency with said architectural theme. The Town Manager may refer subsequent building elevations to the Town Council for approval if he determines that an inconsistency with the approved architectural theme is proposed. Elevations shall be designed to be consistent with the Town's Rural Vista Guidelines. Architecture in all development phases shall be consistent with the architectural elevations included as part of the initial site plan approval.

G. SIGNAGE

The initial site plan submittal for any development parcel or pod shall include a master sign program detailing the location, number, colors and size of proposed signage.

H. PUD WAIVERS

1. A waiver to Section 95-025: "*Size of parking spaces*" of the ULDC is granted, as follows: A minimum of eighty-six (86) spaces shall be provided at the standard parking space size of eleven feet by twenty-two and one-half feet (11.5' x 22') with twenty-eight foot (28') wide drive aisles. The balance of the spaces shall be provided at a minimum ten feet by twenty feet (10' x 20') with drive aisles twenty-six feet (26') in width.

2. A waiver to Section 25-010 (D) (1) "*Mobility and Storage*" of the ULDC is granted to allow outdoor display of merchandise for sale on a 24 hours per day basis only in the following locations: (a) The screened outdoor storage and display area adjacent to the Agricultural Indoor Sales Building (Building C); and (b) the unscreened outdoor display area located to the west of the screened outdoor storage and display area located across the drive aisle.